

Chapter 26 NUISANCES

ARTICLE I. IN GENERAL

Sec. 26-1. Purpose

The purpose of this chapter is to provide for the protection and promotion of the public health, safety and welfare by regulating and eliminating those nuisances which have a negative impact upon the quality of life, safety and health of the neighborhoods where they are located. This chapter is enacted to also prevent the spread of disease; to limit and prevent the harborage of insects, rodents, and other vermin; to limit and prevent accumulations of filth, sewage, garbage, refuse, debris; to limit and prevent depreciation of property values and disturbance of another's peaceful possession of his property due to a person's actions or property constituting a violation of the conditions of this chapter. The foregoing also includes but is not limited to the regulation of property that is blighted as blight causes deterioration and instability in neighborhoods and has an adverse impact on neighboring properties. Further, vacant, unsecured and/or boarded structures are a major cause and source of blight as such unkempt structures and long-term vacancies discourage economic development, retard appreciation of property values and decrease the quality of life

Sec. 26-2. Definition of nuisance.

For the purposes of this chapter, a nuisance is defined as anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

(Ord. No. 16-55, § IV, 11-22-2016)

Sec. 26-3. Policy.

This chapter is established to protect the health, safety, and welfare of the general public from nuisances. This chapter does not intend to dictate aesthetic preferences and community standards, but provides minimum criteria for dealing with nuisance properties. Nuisances will be regulated purely for their impact on the community's quality of life, safety, and welfare.

(Ord. No. 16-55, § IV, 11-22-2016)

Sec. 26-4. Civil nature of nuisance violations.

- (a) Any nuisance violation prohibited by this chapter is a civil violation subject to code enforcement by administrative adjudication proceedings provided in chapter 2.5 of this Code. For the purposes of this chapter, a nuisance violation is the violation of any provision of this chapter.
- (b) The provisions of this chapter shall in no way be viewed an abrogation of the criminal enforcement provisions for littering and other such nuisances as provided for under state statues, or in the ability of a law enforcement officer who, in the course of his official duties, witnesses an act of violation of the aforementioned statues and issues a citation therefor.

(c) Provisions of this chapter shall not authorize the division of code enforcement's involvement in civil disputes between neighboring property owners, including, but not limited to, disagreements regarding unlawful encroachment of vegetation.

(Ord. No. 16-55, § IV, 11-22-2016)

Sec. 26-5. Investigations and surveys.

Code enforcement inspectors are hereby authorized to conduct investigations and surveys to determine compliance or noncompliance with the provisions of this chapter.

(Ord. No. 16-55, § IV, 11-22-2016)

Sec. 26-6. Right of entry.

Whenever it is necessary to make an inspection to administer any of the provisions of this chapter, the code enforcement inspector may enter upon such property, at all reasonable times, to perform his duties. If such property is occupied, he shall first present proper credentials and request entry. If entry is refused, then he shall have every recourse to every remedy provided by law to secure entry onto the property or entrance to the structure to perform the duties of this chapter.

(Ord. No. 16-55, § IV, 11-22-2016)

Sec. 26-7. General definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned sign means a sign that has fallen into disrepair or otherwise deteriorated as a result of a lack of maintenance, repair or upkeep.

Abandoned property means property that is vacant or not lawfully occupied. The terms "vacant" or "not lawfully occupied" shall include but shall not be limited to any premises which are not actually occupied by its owner, lessee, or other invitee or if occupied, without utilities, and which has been left unsecured or inadequately secured from unauthorized entry to the extent that the premises could be entered and utilized by vagrants or other uninvited persons as a place of harborage or any premises which by reason of dilapidation, deterioration, state of disrepair, or other such status is otherwise detrimental to or endangers the public safety, health, or welfare.

Abandoned vehicle means a vehicle that has remained illegally or without the consent of the owner or person in control of subject public or private property. When located on private property, the state of abandonment must be verified by a written statement to this effect signed and dated by the property owner or person or entity in control of the property.

Agricultural property means any tract of land primarily used or zoned for farm purposes.

Antique vehicle means any motor vehicle that:

- (1) Is 25 years or older;
- (2) Is registered as an antique with the Louisiana Office of Motor Vehicles; and
- (3) Displays antique license plates.

Attractive nuisance means a potentially harmful thing which is inviting or otherwise lures a person, no matter the age of the person, into or onto a thing to investigate, play in or otherwise enter without permission or utilizes.

Blight. means commercial or residential property, including structures whether movable or immovable and lots, in a deleterious condition, uninhabitable, overgrown with vegetation, has an accumulation of junk or debris or otherwise unfit for human habitation or use and/or not in compliance with code. Blight also refers to conditions that impair growth or prosperity.

Blighted property means those commercial or residential premises, including lots, which have been declared vacant, uninhabitable and hazardous. Such premises may include premises which, because of their physical condition, are considered hazardous to persons or property, have been declared or certified blighted and have been declared to be a public nuisance by an administrative hearing officer pursuant to R.S. 13:2575 et seq., or any other applicable law.

Boarded. means a structure whose doors and windows have been covered with plywood or other material for the purpose of preventing entry into the structure by persons or animals.

Building means any structure or enclosed portion thereof used for residential, business, industrial purposes, farming or storage.

Code enforcement inspector means an inspector of the parish or such other person responsible for enforcing the provisions of this chapter.

Commercial property means any tract of land primarily used or zoned for commercial or business purposes.

Derelict shall mean broken glass windows; damaged or unsecured exterior doors, soffit, fascia, shutters, and siding; roofing not adequate for drainage, damaged fences; and uncovered swimming pools and hot tubs.

Derelict vehicle means any vehicle that does not have lawfully affixed thereto both an unexpired license plate and a current vehicle safety inspection tag.

Developed property means any tract, parcel or lot containing a structure, including any industrial or commercial tract, parcel or lot having onsite facilities relating to an industrial or commercial use. For the purposes of this chapter, lots, tracts or parcels that are in the process of being developed with an approved development permit are considered developed property. Residential subdivisions that are under construction shall also be deemed developed property under this section.

Evidence of vacancy shall mean a condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include but are not limited to overgrown or dead vegetation, accumulation of newspapers, circulars, flyers, or mail, past due utility notices or disconnected utilities, accumulation of trash, junk or debris, the absence of window coverings such as curtains, blinds or shutters, the absence of furnishings or personal items consistent with residential habitation, and statements by neighbors, passersby, delivery agents, or government employees that the property is unoccupied.

Graffiti means any inscription, word, writing, drawing, figure, mark of paint, ink, chalk, dye or other similar substance, etching, engraving or other defacement (collectively "defacement") by a graffiti implement or chalk or by the application of any material, gum label, paper, fabric or other matter (collectively "matter") with adhesive or other substance which is intended to make the application of the matter permanent or difficult to remove, on public or private property. Graffiti does not include temporary, easily removable chalks or other water soluble markings which are used in connection with traditional children's activities such as drawings of bases for ball games, hopscotch and similar activities, nor does it include temporary, easily removable markings used in connection with any lawful business or public purpose or activity, or for any sign constructed pursuant to a lawful sign permit, and markings used to denote the location of underground utility infrastructure and those used in conjunction with establishing survey control data and location points by survey crews.

Graffiti implement means any aerosol paint container or paint applicator or brush, indelible marker containing ink or other pigmented liquid that is not water soluble, stick or label, paint stick, etching equipment or any other device capable of defacing or leaving a visible mark on public or private property.

Hazardous/unsafe building means any structure or portion thereof used for residential, business, industrial, farming, or storage purposes that is structurally unsafe, unstable, unsanitary, a hazard to life because of inadequacies in areas of proper exits, foundation, and structural integrity; poses a fire hazard; is unsuitable for human habitation or use to which the structure was originally intended; is or may become a place of rodent and insect infestation; is littered with trash and debris; or otherwise constitutes a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence, or abandonment.

Industrial property means any tract of land primarily used or zoned for industrial purposes.

Inoperative means any vehicle that cannot be driven due to mechanical malfunctions, examples include a flat tire or unsecured broken window.

Junked motor vehicle means a vehicle that is in one or more of the following conditions:

- (1) Wrecked to the point that it is no longer drivable
- (3) Dismantled or partially dismantled;
- (4) So badly damaged by fire that it can no longer be driven;
- (5) Visibly inoperative;
- (6) Abandoned or discarded; or
- (7) A total loss.

Mini-cleanup means the process whereby trash is removed from the property prior to conducting regular maintenance.

Nonresidential property means any tract, parcel or lot used or zoned for commercial, industrial, or agricultural purposes.

Notice of violation means the notice of an existing violation of this chapter.

Notice to remove means a written notice provided by the parish, either in person or by way of first class mail, to the person(s) responsible either for the graffiti or the property on which the graffiti is displayed.

Nuisance means any activity, condition or use of a premises which is detrimental to or endangers public safety, health or welfare; produces such material annoyance, inconvenience, discomfort so as to interfere with or disturb another in the peaceful possession of his property or cause injury to the right of another or of the public; is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the vicinity or neighborhood in which such premises is located; is in violation of any zoning ordinance or regulation; and/or any prohibited activity or condition declared to be a nuisance in these ordinances.

Owner is defined as any person with care, custody, or control of the property at issue, including but not limited to record owners, seizing creditors, mortgage holders, lien holders, loan servicers of foreclosed property pending title transfer, or an agent or assignee of the seizing creditor, mortgage holders, lien holders, or loan servicer.

Premises means land, lot of record, or contiguous property held in single ownership and the buildings upon it.

Prohibited activity or condition means any activity or conduct as now or hereafter declared to be a nuisance or otherwise prohibited under the laws of the parish or state, including, but not limited to, sections of this chapter.

Property owner(s) means any person, group of people, governmental entity, or corporation having lawful control or possession of property to include such owner's agent or manager, or any other person if known to the parish. The owner of the property shall be deemed to be those persons whose names appear on the tax records as having an interest in the property.

Regular grass maintenance means the process of entering upon any developed or developing residential, or nonresidential, tract, parcel, or lot of land and removing or cutting all tall grass with equipment designated specifically for that purpose.

Residential property means any tract, parcel or lot of land that has been subdivided into squares/lots, or in whole, primarily used or zoned for residential purposes.

Tall grass means any grass or weed more than eight (8) inches long measured from grade perpendicular to the ground.

Total loss refers to a condition wherein the cost to repair a damaged or dismantled motor vehicle exceeds the junk value for such vehicle, as determined by a recognized national appraisal book.

Trash, junk, or debris means ordinary household or other objects of a flammable character such as barrels, cartons, boxes, crates, furniture, rugs, clothing, rags, mattresses, blankets, rubber tires; lumber, brick, stone, and other building materials no longer intended or in condition for ordinary use; any and all tangible personal property no longer intended or in condition for ordinary and customary use; refuse, garbage, car parts, scrap metal, or other vehicle remnants; and rubbish, shopping carts, and any other accumulation of deleterious, discarded or noxious matter.

Underbrush means small trees, shrubs, vines, and weeds growing beneath taller trees on lots adjacent to developed or developing property.

Undeveloped property or wooded area shall mean property on which no structure requiring a building permit exists and which may be further developed or subdivided in accordance with the provisions of the St. John the Baptist Code of Ordinances or has been allowed to return to and remains in its natural state, which consists mostly of trees and underbrush.

Vacant structure shall include, but not be limited to, a structure designed for human use or occupancy but which has been unoccupied for more than six (6) months, unless (1) of the following applies:

- (1) The building is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation; or
- (2) The building meets all codes, does not contribute to blight, is ready for occupancy and is actively being offered for sale, lease or rent.

(Ord. No. 16-55, § IV, 11-22-2016; Ord. No. 17-06, § III, 2-7-2017; Ord. No. 17-13, § III, 5-9-2017; Ord. No. 18-31, § II, 10-9-2018)

Secs. 26-8. Responsibility for property maintenance

- (a) Every owner of real property within the parish is required to maintain such property in a manner so as not to violate the provisions of this chapter and such owner remains liable for violations thereof regardless of any contract or agreement with any third party regarding such property.

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- (b) Every occupant, lessee, tenant or holder of any interest in property, other than as owner thereof, is required to maintain such property in the same manner as is required of the owner thereof, and the duty imposed on the owner thereof shall in no instance relieve those persons referred to from the similar duty.

Sec. 26-9. Severability.

The provisions of this article shall be deemed severable. If any portion of this article is deemed unconstitutional, it shall not affect the constitutionality of any other portion of this article.

Secs. 26-10—26-19. Reserved.

ARTICLE II. VEGETATION, WEEDS, NOXIOUS ACCUMULATIONS, AND JUNK¹

Sec. 26-20. Penalty.

It shall be unlawful for any person, firm, corporation, or other entity to violate any provision of this article. If any person who prevents or attempts to prevent any employee of and/or other person authorized by the parish from carrying out the provisions of this article, shall be deemed guilty of a misdemeanor. When any person, firm or corporation is found to be in violation of this article he or she may be fined a penalty amount not to exceed \$200.00, except as provided in section 14-26 of this Code.

Sec. 26-21. Prohibition.

(a) *High grass or weeds.*

- (1) *Developed property.* It shall be unlawful for the owner of any developed property, whether occupied or vacant, in the parish to permit the growth of grass or weeds, other than trees, shrubs, cultivated flowers, crops, gardens and any vegetation that is part of a stormwater management plan, to exceed the height of eight (8) inches or a length of 4" over sidewalks, curbing or roadways within 150 feet of any existing building on his/her property and within the area between any structure on his or her property and a street. (2) *Railroads.* It shall be unlawful for any railroad whose tracks are situated in the parish to permit the growth of grass or weeds at a height more than ten inches in any residential area or within 500 feet of each side of any public vehicular crossing.

(b) *Undeveloped lots or wooded areas.*

- (1) *Generally.*

¹Editor's note(s)—Ord. No. 16-55, § IV, adopted Nov. 22, 2016, amended art. II in its entirety to read as herein set out. Former art. II, §§ 26-20—26-28.1, pertained to similar subject matter, and derived from Code 1988, § 10:100—10:108; Ord. No. 87-60, adopted Aug. 13, 1987; Ord. No. 92-38, adopted May 28, 1992; Ord. No. 02-93, adopted Dec. 10, 2002; Ord. No. 12-07, adopted Apr. 10, 2012; Ord. No. 14-04, adopted 3-11-2014; Ord. No. 14-40, adopted Aug. 26, 2014; Ord. No. 15-09, adopted Mar. 24, 2015; and Ord. No. 15-32, adopted July 28, 2015.

State law reference(s)—Authority to provide for removal of weeds, noxious accumulations and junk, R.S. 33:4754; authority to provide for weed removal, R.S. 33:1236(21)(a)(ii).

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- a. Natural landscaping and preservation of wooded areas with trees and underbrush are encouraged to store water in the event of a flood or rain event, preserve air quality, reduce unnecessary debris and fuel usage required by clear-cutting, provide habitat to natural wildlife, and reduce ambient air temperature.
 - b. Provisions of this chapter shall not authorize the division of code enforcement's involvement in civil disputes between neighboring property owners, including, but not limited to, disagreements regarding unlawful encroachment of vegetation.
- (c) *For properties greater than two (2) acres in size.* Where a single lot, parcel, or tract is greater than two (2) acres in size, whether developed or undeveloped, and is adjacent to developed property or public frontage or way, a minimum 25-foot cut section shall be maintained along common property lines, public street frontages; or as otherwise deemed necessary by the Planning Director.
- (d) *Trash, junk, or debris, abandoned property prohibited on private property.* It shall be unlawful for the owner of any developed or undeveloped property to permit the unhealthful accumulation of trash, debris, refuse, or discarded or noxious matter upon the area abutting said property between the front lot line and the street, or abutting a residential development, or within view of any neighboring property, any highway, street, road, alley, or other passageway within the parish. Further, when accumulations of trash repeatedly impact the community's quality of life, safety, and welfare; the parish may impose penalties in accordance with this chapter and may also require reasonable on-site improvements in order to reduce the likelihood of repeat offenses including, but not limited to, relocation, screening, and increased security of trash receptacles.
- (1) The unenclosed or unsheltered storage or keeping of any old, stripped, wrecked, partially dismantled or otherwise non-operating vehicles, machinery, implements, equipment, building materials, or personal property of any kind, which is no longer in good operating condition or safely usable for the purposes for which it was manufactured, on any premises by a property owner is hereby prohibited and declared to be a nuisance.
 - (2) It shall be unlawful for any property owner to display a vehicle, trailer, boat, camper or other item "for sale," "for rent," or other like display on private or public property as said vehicle is considered abandoned. Only vehicles operating on a daily basis may display such verbiage or items located on the proper zoned and used property, car dealership and/or used car lot; otherwise, said display is hereby prohibited and declared to be a nuisance.

(Ord. No. 16-55, § IV, 11-22-2016)

Sec. 26-22. Emergency procedures.

- (a) *Generally.* Notwithstanding anything contained herein to the contrary, the parish is hereby authorized to take immediate steps to remove any and all trash, debris, refuse and other noxious matter located on or upon any property within the boundaries of the parish where there is presented to the parish council evidence of the presence of immediate danger or hazard to the health, safety and welfare of adjoining property, or to the citizens of the parish.
- (b) *Emergency abatement of weeds by parish.* Notwithstanding whether any injunctive or other judicial relief is petitioned for in accordance with the provisions of this chapter, if the violation consists of weeds or grass exceeding twenty-four (24) inches in height on property, the parish shall post a violation notice on the property or otherwise attempt to notify the property owner. If the violation is not corrected within 24 hours,

the parish is hereby authorized to immediately cut, destroy and remove all such grass, weeds and other deleterious or unhealthy growths of vegetation, and the property owner, as shown on the latest property assessment rolls and/or conveyance records, shall be assessed the same fee and costs as established in section 14-26.

(Ord. No. 16-55, § IV, 11-22-2016)

Sec. 26-23. Administration and enforcement.

- (a) *Notice requirements.* Upon its own motion or upon complaint of any person, the parish through its division of code enforcement shall provide notice of violation in accordance with the following provisions:
- (1) *Mailed notice.* Any property owner of record, as shown on the latest assessment rolls of the parish, shall be provided notice by certified mail including the nature of the violation and the property location. He or she shall also be notified that corrective action shall be taken within five days after notice is deemed to be received. Notice shall be deemed received upon the first attempt of notification, including when no response has been made to said notification or the said owner has refused to accept said notification, or if the notice should be returned to the parish by the post office, because of its inability to make delivery thereof. This notice may also inform such owner of any fees attached thereto, including, but not limited to, fees in the amounts established in section 14-26.
 - (2) *Posted notice.* The parish shall also post notice on any structure located on the property and such notice shall be attested to by the inspector posting such notice.
- (b) *Multiple violations.* Once the owner has been notified of a violation by one of the above methods, the parish may undertake the cutting, destruction, or removal of noxious weeds or grass or other deleterious, unhealthful or noxious matters on any property within the parish on a monthly basis without notice required in subsection (a) of this section if the property has been notified pursuant to said subsection at any time during the immediately preceding twelve months and has failed to do the work himself after opportunity to do so. However, prior to undertaking such work, the parish shall file and record an affidavit, signed by the Code Enforcement Manager which said affidavit shall include:
- i. A description of the property sufficient to reasonably identify it.
 - ii. A photograph of the property sufficient to reasonably identify its unsafe or unsanitary conditions and to justify the necessity for cutting, destroying or removing weeds, grass or other noxious matters.
 - iii. A statement that the property owner liable has within the past twelve months failed to do such work after notification and opportunity to do so pursuant to subsection a of this section.
- (c) *Authority to correct.* If the violation is not brought into compliance by the property owner or his agent within five days after notice is deemed received by the parish, in accordance with the provisions of this chapter, corrective measures may be employed either by the parish's own employees or by an independent contractor. The parish's authorization to correct a violation shall not be impeded if mailed notification was refused or returned to the parish by the post office due to failed delivery.
- (d) *Failure to resolve.* Failure to resolve a notice of violation may also result in associated enforcement provisions contained in chapter 2.5, code enforcement by administrative adjudication.

(Ord. No. 16-55, § IV, 11-22-2016; Ord. No. 17-13, § IV, 5-9-2017)

Sec. 26-24. Property owner responsible for abatement costs.

- (a) *Parish remedies violation.* If the parish remedies the violation, the amount charged by the contractor and/or all expenses incurred in determining the identity of the owner in serving, sending, or providing notice and enforcing provisions of this chapter shall be charged directly to the owner of the property, pursuant to fees as outlined in Chapter 14-26.
- (b) *Billing.* At the completion of the work, the owner of the subject property shall be sent a bill by certified mail return receipt requested, or by any other reasonable method of notification, itemizing the cost of said work.
- (c) *Payment.* Property owners shall be given 30 days from the date of invoicing by the parish to pay in full the charges incurred.

(Ord. No. 16-55, § IV, 11-22-2016)

Sec. 26-25. Collection of outstanding invoices.

- (a) *Interest and penalty.* In the event that the property owner fails to pay the amount due, the parish shall institute appropriate legal action to compel payment of same, along with interest at the rate of seven percent per annum computed from the time that payment is due, plus an additional sum equivalent to 20 percent of the principal and interest due as attorney's fees.
- (b) *Lien.* In addition to subsection (a) of this section, the parish is also authorized to have recorded in the mortgage office of the parish, a sworn statement showing the costs and expenses incurred for the work and the date, the place or property on which said work was done, and the recordation of such sworn statement; which shall constitute a lien and privilege on principal and interest, plus costs of court, if any, for collection until final payment has been made. Such statement, when so filed and recorded with the parish clerk of court shall operate as a lien and privilege against the immovable property herein assessed, which lien and privilege shall rank from the date of filing of the sworn statement in the mortgage records of said parish and shall prime all other claims, mortgages, and liens, except taxes and prior recorded special assessment liens. If the owner of the property fails to pay the amount due under said local assessment ordinance within 30 days from the date of publication of said lien, the parish council will authorize an action either in rem or impersonal against the owner or both for the collection of the total amount due, including costs and 25 percent of the principal due as attorney's fees.
- (c) *Ad valorem taxes.* In addition to subsections (a) and (b) of this section, the parish is also authorized to have the amount due as enumerated added to the annual ad valorem tax bill on the property involved if the charges remain unpaid; the ad valorem tax lien imposed thereby and such rights attendant shall coexist with those granted under this section. The parish assessor shall be responsible for adding the charges to the tax assessment role and the parish sheriff shall be responsible for collection of the charges.

(Ord. No. 16-55, § IV, 11-22-2016)

Sec. 26-26. Disposition of funds collected.

Any and all funds collected from this chapter shall be credited to the roads and bridges fund of the parish.

(Ord. No. 16-55, § IV, 11-22-2016)

Sec. 26-27. Directors of planning and zoning and finance to enforce this chapter.

The directors of planning and zoning and finance of the parish are hereby empowered and authorized to enforce the provisions of this chapter against the same lot, place, or area within the parish as often as violations may occur, and nothing herein shall be construed so as to prevent the assessment of costs for the removal of said trash, debris, refuse and other noxious matter found growing, lying, or located on private property for one or more times during any calendar year.

(Ord. No. 16-55, § IV, 11-22-2016)

Sec. 26-28. Reserved.

ARTICLE III. GRAFFITI ABATEMENT

Sec. 26-29. Purpose.

In order to protect the health, safety and welfare of the residents of the parish, and to prevent the spread of graffiti vandalism, and to establish a program for the removal of graffiti from public and private property. The parish council finds that graffiti is a public nuisance and is destructive of the rights and value of property owners as well as of the entire community. It is believed that when graffiti is not removed, other properties become the target of graffiti, and entire areas are affected and become less desirable places in which to be, all to the detriment of the parish.

(Ord. No. 14-07, 4-22-2014)

Sec. 26-30. Defacement by graffiti prohibited.

It shall be unlawful for any person to write, paint, inscribe, scratch, scrawl, spray, place or draw graffiti of any type on any public or private building structure or any other real property.

(Ord. No. 14-07, 4-22-2014)

Sec. 26-31. Removing graffiti required.

- (a) *Notice to remove.* Upon determination that graffiti is present, the parish shall deliver to the perpetrator of the graffiti, if known, and/or to the property owner or person in possession, a notice to remove. The notice to remove shall include:
- (1) The street address or other description of the property sufficient for property identification;
 - (2) A description and general location of the graffiti;
 - (3) A statement that the property is a public nuisance due to the existence of the graffiti;
 - (4) A statement that the graffiti must be removed or effectively obscured within the time period specified within this section and that if the nuisance is not so abated within that time the parish will abate the public nuisance at the cost of the property owner as set forth.
- (b) *Removal by perpetrator.* It shall be unlawful for any person placing graffiti on public or private property to fail to remove such graffiti or cause such graffiti to be removed within 48 hours after a notice to remove is

delivered by the parish. If graffiti is applied by a person under the age of 18 years of age, the parents or legal guardians of such minor shall be responsible for the removal of the graffiti within 48 hours after notice from the parish. The removal by the person placing the graffiti shall only be completed with the permission of the property owner or person in possession.

- (c) *Removal by property owner.* It shall be unlawful for any property owner to fail to remove or effectively obscure any graffiti upon property they own, manage, or are in lawful control or possession of within five business days after receiving written notice (notice to remove) from the parish.
- (d) *Removal by parish.* If the parish has delivered a notice to remove to the property owner or person in possession and that person fails or refuses to remove or effectively obscure graffiti upon their property as directed in the notice, then, in addition to other enforcement actions hereunder, the parish is authorized to remove the graffiti and the cost to remove same shall be charged to the property owner or person in possession within 30 days of receipt of a statement for the cost of such removal, the expense of the abatement actions by the parish shall become a lien upon the property and shall be collected as unpaid taxes in accordance with the procedures outlined below.
- (e) *Emergency removal.* If the parish determines that any graffiti is a danger to the health, safety or welfare of the public and is unable to provide notice by personal service after at least two attempts to do so, then 48 hours after either mailing of the notice by first class mail or the posting of the notice in a conspicuous place on the property, the parish may remove or cause the graffiti to be removed or obscured at its expense.

(Ord. No. 14-07, 4-22-2014)

Sec. 26-32. Enforcement/remedies.

- (a) *Civil penalties.* The parish reserves the right to seek penalties and/or remedies through civil and/or criminal means as described below. The parish president shall designate staff person(s) who shall enforce this section.
 - (1) *Violation of section 26-01, Defacement by graffiti prohibited:* Violations of section 26-30 shall subject the offender(s) to civil penalties in the amount as described in this section pursuant to the total number of adjudicated violations within the parish by the offender.
 - a. First offense: \$100.00.
 - b. Second offense: \$250.00.
 - c. Third offense: \$500.00.
 - d. Fourth offense: \$750.00.
 - e. Fifth and any subsequent offenses: \$1,000.00.
 - (2) *Violations of section 26-312, removal graffiti required:* Violations of section 26-31 shall subject the offender(s) to civil penalties as described below.
 - a. Property owner: Violations of section 26-31 by the property owner or person in possession shall be subject to civil penalty not to exceed \$100.00 per offense.
 - b. Offender(s): Violations of section 26-31 by the offenders creating the graffiti shall subject the offender or, if offender is a juvenile, the parent or guardian of the juvenile, to a civil penalty not to exceed \$250.00 per offense.
- (b) *Criminal penalty.* In addition to, or in lieu of civil penalties or other remedies, violation of section 26-31 of this section shall constitute a criminal infraction in accordance with section 1-7 of this Code.

(Ord. No. 14-07, 4-22-2014)

Sec. 26-33. Collection of delinquent costs.

- (a) *Interest and penalty.* In the event the property owner fails to pay the amount due, the parish shall institute appropriate legal action to compel payment of same, along with interest at the rate of seven percent per annum computed from the time that payment is due, plus an additional sum equivalent to 20 percent of the principal and interest due as attorney's fees.
- (b) *Lien.* In addition to subsection (a) of this section, the parish is also authorized to have recorded in the mortgage office of the parish, a sworn statement showing the costs and expenses incurred for the work and the date, place or property on which said work was done, and the recordation of such sworn statement shall constitute a lien and privilege on principal and interest, plus costs of court, if any, for collection until final payment has been made. Such statement, when so filed and recorded with the parish clerk of court shall operate as a lien and privilege against the immovable property herein assessed, which lien and privilege shall rank from the date of filing of the sworn statement in the mortgage records of said parish and shall prime all other claims, mortgages, and liens, except taxes and prior recorded special assessment liens. If the owner of the property fails to pay the amount due under said local assessment ordinance within 30 days from the date of publication of said lien, the parish council will authorize an action either in rem or impersonal against the owner or both for the collection of the total amount due, including costs and 25 percent of the principal due as attorney's fees.
- (c) *Ad valorem taxes.* In addition to subsections (a) and (b) of this section, the parish is also authorized to have the amount due as enumerated added to the annual ad valorem tax bill on the property involved if the charges remain unpaid; the ad valorem tax lien imposed thereby and such rights attendant shall coexist with those granted under this section. The parish assessor shall be responsible for adding the charges to the tax assessment role and the parish sheriff shall be responsible for collection of the charges.

(Ord. No. 14-07, 4-22-2014)

(Ord. No. 14-07, 4-22-2014)

Secs. 26-34—26-39. Reserved.

ARTICLE IV. UNSAFE OR ABANDONED SIGNS.

Sec. 26-40. Penalty.

The penalty regulations set forth in section 26-20 apply to those actions undertaken by the parish in the pursuance of this article.

(Ord. No. 17-06, § IV, 2-7-2017)

Sec. 26-41. Prohibition.

- (a) *Unsafe signs.* It shall be unlawful for the owner of any property to allow a sign existing on such property to become structurally unsafe, endanger the safety of a building or premises, or endanger the public's safety.
- (b) *Abandoned signs.* It shall be unlawful for the owner of any property to abandon a sign or allow such sign to become blighted.

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- (1) A sign is deemed abandoned, regardless of any intent to resume or maintain the use of the sign, when the sign has fallen into a state of disrepair or is otherwise deteriorated as a result of a lack of maintenance, repair or upkeep.
 - (2) Evidence of abandonment may include, but is not limited to, peeling paint or finish material; warped, bent or otherwise disfigured sign components; or a punctured or otherwise damaged sign face.
 - (3) A sign may be determined to be abandoned by the department of planning and zoning if evidence of abandonment is present on the sign.

(Ord. No. 17-06, § IV, 2-7-2017; Ord. No. 18-31, § II, 10-9-2018)

Sec. 26-42. Emergency procedures.

Unsafe signs. Notwithstanding anything contained herein to the contrary, the parish is hereby authorized to take immediate steps to remove unsafe signs located on or upon any property within the boundaries of the parish. In the event that the parish removes an unsafe sign, the fees stipulated in section 14-26 shall be assessed to the owner of the property on which the sign is located, unless the sign is located on public property.

(Ord. No. 17-06, § IV, 2-7-2017)

Sec. 26-43. Administration and enforcement.

The provisions of section 26-23 shall apply to the administration and enforcement of violations for unsafe or abandoned signs, except that in the instance that the property owner is allowed five days to resolve such violations in section 26-23, property owners receiving violations for abandoned signs shall be allowed 30 days to correct such violations.

(Ord. No. 17-06, § IV, 2-7-2017; Ord. No. 18-31, § II, 10-9-2018)

Sec. 26-44. Property owner responsible for abatement cost.

The abatement of violations for unsafe or abandoned signs will be in accordance with the procedures set forth in sections 26-24.

(Ord. No. 17-06, § IV, 2-7-2017)

Sec. 26-45. Collection of outstanding invoices.

The collection of outstanding invoices for abatement of violations for unsafe or abandoned signs will be in accordance with the procedures set forth in section 26-25.

(Ord. No. 17-06, § IV, 2-7-2017)

Sec. 26-46. Disposition of funds collected.

Any and all funds collected from this chapter shall be credited to the roads and bridges fund of the parish.

(Ord. No. 17-06, § IV, 2-7-2017)

Sec. 26-47. Directors of planning and zoning and finance to enforce this chapter.

The directors of planning and zoning and finance of the parish are hereby empowered and authorized to enforce the provisions of this chapter against the same lot, place, or area within the parish as often as violations may occur, and nothing herein shall be construed so as to prevent the assessment of costs for the removal of said signs on private property for one or more times during any calendar year.

(Ord. No. 17-06, § IV, 2-7-2017)

Secs. 26-48, 26-49. Reserved.

ARTICLE V. ABANDONED, INOPERABLE, AND JUNKED VEHICLES ON PRIVATE PROPERTY.

Sec. 26-50. Nuisance declared.

- (a) *Context.* The presence of inoperable, abandoned, or junked vehicles within the parish generates conditions that may reduce the value of surrounding property; promote blight and deterioration; invite plundering; and create fire hazards that threaten the health, safety, and general welfare of the citizens of St. John the Baptist Parish.
- (b) *Declaration.* The presence of abandoned, inoperable, and junked vehicles is hereby declared a nuisance that may be abated in accordance with the provisions of this chapter.

(Ord. No. 17-13, § V, 5-9-2017)

Sec. 26-51. Prohibition on public property.

See section 40-96 of this Code, entitled "Limitations on public property and sidewalks" for requirements regarding storage of vehicles on public property.

(Ord. No. 17-13, § V, 5-9-2017)

Sec. 26-52. Prohibition on private property.

- (a) *Temporary storage on residential property.* Except as otherwise provided for in this article, only one junked vehicle may be temporarily stored on the property of a residential dwelling for up to seven consecutive days, provided the vehicle is stored on a surface that is maintained in good condition, free of weeds, dust, trash and debris.
- (b) *Relocation after initial monitor.* After this seven day monitoring period, should the same vehicle be moved and returned on the property at a later date, and continue to meet the criteria of a junked motor vehicle, the vehicle will be in violation of this Code immediately upon relocation to the property.

(Ord. No. 17-13, § V, 5-9-2017)

Sec. 26-53. Exemptions.

The provisions of this chapter do not apply to the following, provided the vehicle is stored on a surface that is maintained in good condition, free of weeds, dust, trash and debris:

- (1) Junked motor vehicles, wherein the vehicle is also located in a manner that is not visible from the street or other public or private property.
- (2) A motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned drag strips or raceways.
- (3) A junked vehicle situated or stored in a storage place or depository maintained at a location where such a business is authorized and operating in conformity with the laws of the parish.
- (4) Antique vehicles, as defined in section 26-7 of this chapter.

(Ord. No. 17-13, § V, 5-9-2017)

Sec. 26-54. Supplemental regulations within residential districts.

(a) *Vehicle repairs.* To prevent residentially zoned and residentially used property from being utilized to support commercial auto repair work, all of the following standards apply to junked vehicles located within a residentially zoned district when temporarily stored in the front yard:

- (1) *Ownership.* Any vehicle undergoing repair within the front yard or visible from public or private property must be titled to the owner or an occupant of the property.
- (2) *Occurrence.* No more than three vehicles may undergo repair work in the front yard or be visible from public or private property during any calendar year.
- (3) *Number.* Vehicle repair work shall be performed on no more than one vehicle at one time.

(b) *Vehicle covers.* Vehicle covers placed on any vehicle visible from any public street or sidewalk must be properly maintained and made exclusively for covering vehicles. A proper cover does not include bed linen, paper, cardboard, plastic sheeting, tarps or any other item or material not manufactured specifically as a vehicle cover. The use of a vehicle cover on any junked vehicle, as defined in this article, is limited to a vehicle that is stored in a carport.

(Ord. No. 17-13, § V, 5-9-2017)

Sec. 26-55. Penalty.

- (a) Penalty for violation of this article may include all costs associated with the removal of the offending vehicle as provided for in section 14-26 and 14-40 of this Code, a fine not to exceed \$500.00 per violation as provided for in section 1-7 of this Code, and court costs associated with a hearing and final judgment by a court of competent jurisdiction as provided for in chapter 2.5 of this Code.
- (b) Additional penalties and costs may include those accrued separately by towing or storage companies and the state office of public safety and corrections pursuant to the Louisiana Towing and Storage Act.

(Ord. No. 17-13, § V, 5-9-2017)

Sec. 26-56. Authority to determine and process.

Nothing contained herein shall prevent or prohibit any authorized personnel of the Sheriff's Office from performing procedures described in section 26-57 to determine and process any vehicle illegally located on public property.

(Ord. No. 17-13, § V, 5-9-2017)

Sec. 26-57. Inspection, tagging; notice; request for parish hearing.

- (a) *Inspection.* For the purposes of determining the status of any abandoned, inoperable, junked, or derelict vehicle; parish inspectors will inspect any such vehicle(s), record the location, the type, make, color, and license registration, of the vehicle—if there be any—and shall tag, number and photograph such vehicle(s).
- (b) *Tagging and notice.* Whenever any vehicle is found to be in violation of this article, parish inspectors shall immediately post a notice or 'tag' on the windshield of the vehicle directing the vehicle be removed from said location within five consecutive days, exclusive of weekends and/or legal holidays. Should the vehicle be inaccessible, parish inspectors shall post the notice on site in a location both near to the vehicle and visible from the street.
 - (1) Compliance period. The time for compliance begins on the date of the receipt of notice, which is tagging of the vehicle.
 - (2) Type, content, and request for a hearing. The tag or notice is sufficient notice to the owner to remove the vehicle and request a hearing. It must be posted on the property as a highly visible sticker or tag that contains:
 - a. The date and time of posting or notice;
 - b. The violation and requirement that the owner must remove the vehicle within five days of the date of posting;
 - c. Details regarding their right to a parish hearing pursuant to chapter 2.5 of this Code, if and only if, a request for a hearing is made within five days of the date of posting;
 - d. Contact information for the parish agency posting the notice, as well as the phone number to request a parish hearing or make inquiries; and
 - e. Information regarding vehicle removal, destruction, or sale if subject vehicle is not removed or if no parish hearing request is made within five days of the date of posting.
 - (3) Upon request, a parish hearing shall be held before a local hearing officer in accordance with chapter 2.5 of this Code, to allow the owner of a vehicle determined to be in violation of this chapter the opportunity to refute such determination.
 - (4) If the 'total loss' criteria is refuted, the property owner, or person or entity in control of the property will be responsible for providing evidence in the form of three costs estimates to repair the vehicle, as well as the junk value of the vehicle as determined by a recognized national appraisal book.
 - (5) If a parish hearing is requested within the five day compliance period, a judgment will be rendered whether or not the owner or his representative is present.
 - (6) The hearing officer is empowered to require payment of costs for towing and storage, and penalties in accordance with sections 1-7, 1-12, 14-26, and 14-40 of the Code. If the costs and penalties are not paid within a period of time prescribed by the hearing officer, never to exceed thirty days, the vehicle

will be destroyed or sold to defray costs or, if not already in storage, it will be removed and, likewise, destroyed or sold to defray costs.

(Ord. No. 17-13, § V, 5-9-2017)

Sec. 26-58. Removal; tow truck operator to notify and work with department of public safety and corrections, re: vehicle storage, sale, or disposal.

- (a) Both parish administration and the sheriff's office are authorized to use whatever means and methods it has available at its disposal for vehicle removal, and it may proceed to have this accomplished either by its own employees or by an independent contractor.
- (b) No other action by the parish shall be required and the procedures provided in this section shall constitute a request of the parish to the tow truck operator to remove the vehicle.
- (c) The tow truck operator shall tow, store, dispose, or sell the vehicle pursuant to the Louisiana Towing and Storage Act. The parish shall have no civil or criminal liability for the acts or omissions committed by the tow truck operator, salvage yard and/or independent contractor.

(Ord. No. 17-13, § V, 5-9-2017)

Sec. 26-59. Redemption by owner.

The owner of an inoperable, junked, abandoned or otherwise unlawfully parked or stored motor vehicle seized or impounded by the parish may redeem such vehicle at any time after its removal but prior to an order of sale or destruction thereof, upon proof of ownership and by paying all administrative fees, accrued storage and towing fees, and penalties.

(Ord. No. 17-13, § V, 5-9-2017)

Sec. 26-60. Property owner responsible for abatement cost.

The abatement of violations for abandoned and junked vehicles on private property will be in accordance with the procedures set forth in section 26-24, entitled "Property owner responsible for abatement costs."

(Ord. No. 17-13, § V, 5-9-2017)

Sec. 26-61. Collection of outstanding invoices.

The collection of outstanding invoices for abatement of violations for abandoned and junked vehicles on private property will be in accordance with the procedures set forth in section 26-25, entitled "Collection of outstanding invoices."

(Ord. No. 17-13, § V, 5-9-2017)

Secs. 26-62—26-69. Reserved.

ARTICLE VI. ABANDONED, BLIGHTED AND UNSAFE BUILDINGS

Sec. 26-70. Purpose.

(Supp. No. 15)

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Abandoned, blighted and unsafe buildings and premises pose a threat to life and property in the parish. Buildings, structures, and premises may become unsafe by reason of damage by fire, the elements, age, or general deterioration. Abandoned buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients. A dilapidated building or unkept premises may also serve as a place of rodent infestation thereby creating a health menace to the parish. It is the purpose of this article to provide for the safety, health, protection, and general welfare of persons and property in the parish by requiring such unsafe buildings to be repaired or demolished and removed, and premises be made safe and secure.

Sec. 26-71. Declaration as nuisance.

All buildings or structures within the parish which are injurious to or a danger to the public health, safety, or welfare of the people of the parish, as hereinafter defined, whether vacant or occupied, are hereby declared to be public nuisances.

Sec. 26.72. Condition of nuisance structures

- (a) All structures which have any or all of the following defects shall constitute a public nuisance and be deemed abandoned, blighted or unsafe:
- (1) Structurally unsound

Those structures which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or people of the parish.
 - (2) Constitute a fire hazard
 - a. Those structures containing numerous openings in the walls or other unstopped spaces throughout, attributable to vandalism or general disrepair, which increase the risk of conflagration in the area;
 - b. Those structures which are vacant and have windows, doors or other openings which remain unsecured permitting entry by unauthorized persons;
 - c. Those structures which contain other fire hazards in violation of the National Fire Prevention Act, the state fire marshal act, the building code, any provisions of this Code or other ordinances of this parish if the violation is of such a nature that the building constitutes a danger to its occupants and/or others.
 - (3) Unsecured
 - a. Those structures that are not boarded or otherwise have unbroken windows and doors, fenced or otherwise protected from entry in any manner to prevent uninvited persons or animals.
 - b. Those structures having parts thereof which are so attached that they may fall and injure members of the public or property;
 - c. Those structures constituting a danger to the public even though secured from entry;

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- d. It is found that the means utilized to secure the structure are not adequate to prevent unauthorized entry of the building;
 - e. Those structures which have been boarded in excess of six (6) months and in which the owner has failed to obtain a permit and begin substantial renovations; or
 - f. Those structures which are deemed "attractive nuisances" as defined in Sec. 26-7.
- (b) All structures which have any or all of the following defects shall constitute a public nuisance and are subject to demolition:
- (1) Any structure that is vacant and boarded for a period of more than six (6) months and which does not have an active permit and no substantial work being performed or which has a permit but substantial work has not begun shall be deemed blighted and a nuisance and subject to demolition.
 - (2) Any structure found to be in a state of deterioration that creates a substantial adverse impact on neighboring properties including but not limited to depreciation of property values, interference with the lawful use and enjoyment of property in the area and/or illegal activities occurring on or at the structure are deemed to be blighted, declared a nuisance and subject to demolition.

Sec. 26-73. Review of report and determination by parish president

- (a) The parish president, or designee, shall review this report and determine, if in their opinion the report so warrants, that such building or premises is unsafe and dangerous and order its repair if the same can be safely repaired or its demolition and removal, and further order that notice be served upon the persons in the manner provided herein.
- (b) If the parish president, or designee, determines that said premises, building, part of building, etc., are in imminent danger of collapse and constitute a menace to public health and safety, the parish president shall have the authority to cause the demolition of said premises, building, part of building, etc., by any parish department or private corporation after 24 hours' notice to any person who may have a vested or contingent interest in said premises, building, or part of building, etc.
- (c) If the parish president, or designee, determines that said premises, building, part of building, etc., are not in imminent danger of collapse, but are unsafe, unhealthy, unsanitary, or dangerous, the parish president shall cause the premises or structure to be brought to a safe condition. In this regard, the parish president shall order that a notice be served upon the persons in the manner provided herein.

Sec. 26-75. Violation notice to persons with interest in premises; content; refusal to comply

The notice to persons with interest in the premises shall contain the following:

- (a) A description of the premises;
- (b) A statement of the particulars in which the building is unsafe or dangerous;
- (c) An order outlining the manner in which the building or premises are to be made safe and secure, or demolished and removed;

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- (d) A statement that securing or removal of such shall be completed in thirty (30) days from the service of notice.
 - (e) If the persons refuse to comply with the requirements of the first notice, the inspector shall forward the matter to the Hearing Officer. Upon forwarding violation to Hearing Officer, a code enforcement inspector will enter the premises and affix a placard to the structure, indicating that it is deemed unsafe and/or dangerous.
 - (f) The removal of the placard by the owner or agent with vested interest in the property referred to in this section shall be considered a violation of this article.

Sec. 26-76. Service of notice

The notice to persons with interest in the premises shall be served as follows:

- (a) By personal service of a copy thereof upon the owner, executor, administrator, agent, lessee, or any person having a vested or contingent interest in such unsafe building as shown by the records of the assessor or of the clerk of court; or if no such person can be reasonably found, by mailing such owner by certified mail a copy of such notice directed to his last known address; and,
- (b) By securely affixing a copy of such notice upon the unsafe building or premises.

Sec. 26-77. Matters sent to hearing officer, lack of abatement

If a building or structure, has, upon inspection, been found to be dangerous, and written notice has been made in accordance with the provisions in Sections 26-76 and 26-77, and said notice has not resulted in abatement of the dangerous structure, the matter shall be brought before the hearing officer. Notice and hearing process shall be as provided in Chapter 2.5 of the St. John the Baptist Parish Code of Ordinances.

Sec 26-78 Abatement of abandoned, blighted or unsafe structure by parish

Abatement by the parish can be completed by parish employee or independent contractor. In connection with any work performed pursuant to this section, the department of inspection and code enforcement may proceed to have the necessary work done either by its own employees or by an independent contractor.

Sec. 26-79. Property owner responsible for abatement costs.

- (a) *Parish remedies violation.* If the parish remedies the violation, the amount charged by the contractor and/or all expenses incurred in determining the identity of the owner in serving, sending, or providing notice and enforcing provisions of this chapter shall be charged directly to the owner of the property.
- (b) *Billing.* At the completion of the work, the owner of the subject property shall be sent a bill by certified mail return receipt requested, or by any other reasonable method of notification, itemizing the cost of said work.
- (c) *Payment.* Property owners shall be given 30 days from the date of invoicing by the parish to pay in full the charges incurred.

Sec. 26-80 Collection or outstanding invoice; tax lien

- (a) *Interest and penalty.* In the event that the property owner fails to pay the amount due, the parish shall institute appropriate legal action to compel payment of same, along with interest at the rate of seven percent per annum computed from the time that payment is due, plus an additional sum equivalent to 20 percent of the principal and interest due as attorney's fees.
- (b) *Lien.* In addition to subsection (a) of this section, the parish is also authorized to have recorded in the mortgage office of the parish, a sworn statement showing the costs and expenses incurred for the work and the date, the place or property on which said work was done, and the recordation of such sworn statement; which shall constitute a lien and privilege on principal and interest, plus costs of court, if any, for collection until final payment has been made. Such statement, when so filed and recorded with the parish clerk of court shall operate as a lien and privilege against the immovable property herein assessed, which lien and privilege shall rank from the date of filing of the sworn statement in the mortgage records of said parish and shall prime all other claims, mortgages, and liens, except taxes and prior recorded special assessment liens. If the owner of the property fails to pay the amount due under said local assessment ordinance within 30 days from the date of publication of said lien, the parish council will authorize an action either in rem or impersonal against the owner or both for the collection of the total amount due, including costs and 25 percent of the principal due as attorney's fees.
- (c) *Ad valorem taxes.* In addition to subsections (a) and (b) of this section, the parish is also authorized to have the amount due as enumerated added to the annual ad valorem tax bill on the property involved if the charges remain unpaid; the ad valorem tax lien imposed thereby and such rights attendant shall coexist with those granted under this section. The parish assessor shall be responsible for adding the charges to the tax assessment role and the parish sheriff shall be responsible for collection of the charges.

Sec. 25-81 Parish may take legal action to enforce compliance

The fact that the parish may cause said premises, building, or parts thereof, or other structure to be demolished or repaired at the expense of the person owning the same, shall not preclude the parish president from taking legal action in a court of competent jurisdiction against the person who shall fail, neglect, or refuse to comply with the orders of the parish president and the violation or disregard of such orders shall be considered a violation of this article.