

NUISANCE ORDINANCE 03-1102-1998
Amended May 31, 2006

An ordinance to provide for the mowing of vacant lots, the removal of debris from vacant lots and for the destruction, after notice, of vacant or dilapidated property that is unfit for human occupancy, providing a lien for the payment of costs and providing for other matters related thereto.

WHEREAS, there are certain tracts of property situated in Jackson Parish upon which noxious grass, weeds, and other growths are growing constituting nuisances which the owners of said property have failed and refused to abate; and

WHEREAS, there are various buildings situated within Jackson Parish utilized for human habitation which are unfit, for reasons of health and safety, for human habitation.

NOW, THEREFORE, be it ordained, by the Police Jury of the Parish of Jackson, State of Louisiana:

SECTION 1: Definitions

The following definitions apply in the interpretation and enforcement of this ordinance:

- a) *Nuisance*: As used in this ordinance nuisance shall include the following:
1. Any of the things defined as a nuisance in the provisions of Louisiana law;
 2. Accumulations of rubbish, trash, refuse, junk or other abandoned materials, metals, lumber or other things on immovable property visible to the public;
 3. Any condition which provides harborage for rats, mice, snakes or other vermin;
 4. Any building or structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such an unsanitary condition that it is a menace to the health of the people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located;
 5. All unnecessary and unauthorized noises and annoying vibrations, including animal noises;
 6. All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors or stenches;
 7. The carcasses of animals or fowl not disposed of within a reasonable time after death;

8. The pollution of any public well, cistern, steam, lake, canal or body of water by sewage, dead animals, creamery, industrial waste, or other substances;
9. Any building, structure or other place or location where any activity which is in violation of local, state, or federal laws is conducted, performed or maintained;
10. Any accumulation of stagnant water permitted or maintained on any lot or piece of ground; and
11. Dense smoke, noxious fumes, gas, soot or cinders, in unreasonable quantities.

- b) *Abandoned vehicles:* For the purposes of this ordinance, in addition to any other meaning provided by the Constitution or laws of the State of Louisiana or by the Normal definition of the term *abandoned vehicles* shall mean any motor vehicle which is inoperative for a period of more than five (5) days and is located on a state, parish or local public road, highway or right of way; any motor vehicle from which the engine or tires have been removed; any motor vehicle from which the license plate has been removed; any motor vehicle inoperative because of damage caused by a wreck or other neglect or any motor vehicle not registered in this state located on any street, road or highway, or public right of way for a period of five (5) or more days.

SECTION 2: Prohibition of Nuisances

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.

SECTION 3: Notice to abate

Whenever a nuisance is found to exist within the Parish of Jackson, the Secretary-Treasurer of the Police Jury, or his designee, shall give the Notice required under Section 5 of this ordinance to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance. The nuisance shall be abated within fifteen (15) days of the service of the Notice unless a hearing is requested as provided in Section 8 of this Ordinance.

SECTION 5: Contents of Notice

The notice to abate a nuisance issued in accordance with the provisions of this ordinance shall contain:

- a) An order to abate the nuisance or request a hearing within a stated time, which shall be reasonable under the circumstances;
- b) The location of a nuisance, if the same is stationary;

- c) A description of what constitutes the nuisance;
- d) A statement of acts necessary to abate the nuisance; and
- e) A statement that if the nuisance is not abated as directed and no request for a hearing is made to the Jackson Parish Police Jury within five (5) days after service of the notice, the Parish of Jackson shall abate the nuisance and access the cost thereof against such person.

SECTION 6: Notice

The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law or hand delivered to the owner or occupant of the property on which said nuisance exists or upon the person causing or maintaining the nuisance.

SECTION 7: Abatement by the parish when no hearing is requested

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this ordinance to abate the same or request, in writing, a hearing within five (5) days after service of the notice, the Secretary-Treasurer of the Police Jury, or any other duly designated official of the parish, shall proceed to abate the nuisance and prepare a statement of costs incurred in the abatement thereof.

SECTION 8: Abatement by the parish when a hearing is requested

If within five (5) days after service of the notice to abate a nuisance is served as mandated by Section Six (6) of this ordinance a hearing is requested nothing shall be done by the parish until such time as a hearing has been held. Any request for a hearing must be in writing and delivered to the office of the Secretary-Treasurer of the Jackson Parish Police Jury who shall, upon request, provide a receipt for the hearing request. Any request shall include the name and address at which the individual requesting the hearing shall be notified of the date, time and location of the hearing. The hearing shall be no sooner than 15 days after the request for the hearing is received by the Police Jury. The hearing shall be before the members of the Jackson Parish Police Jury in open session. After that hearing the Police Jury shall determine whether or not a nuisance exists which must be abated and, if so, the period of time, which shall be not less than fifteen (15) days, by which that nuisance must be abated. If within that period of time the nuisance has not been abated the Secretary-Treasurer of the Police Jury, or any other duly designated official of the parish, shall proceed to abate the nuisance and prepare a statement of costs incurred in the abatement thereof.

SECTION 9: Parish costs declared lien

Any and all costs incurred by the parish in the abatement of a nuisance under the provisions of this ordinance shall constitute a lien against the property upon which such nuisance existed, which lien shall be filed, proven and collected as provided for by law. Such liens shall

be noticed to all persons from the time of its recording and shall bear interest at the legal rate thereafter until satisfied.

SECTION 10: Cost

Costs against the property arising from the abatement of a nuisance as set forth herein shall, if not paid within thirty days of the date a statement for those costs is mailed to the owner of the property, shall be added to the ad valorem tax bill for the property for the following year and shall be collected in the same manner as any other ad valorem taxes.

SECTION 11: Denial of right to occupy

In lieu of ordering the abatement of a nuisance caused by any building or structure in Jackson Parish which is in such a dilapidated condition that it is a nuisance as defined by section 1 (a) (4) of this ordinance the Police Jury can, after the service of the notice required by this ordinance, and after a hearing if a hearing is requested, prohibit the human occupancy of such a building until such time as the nuisance has been abated.

SECTION 12: Additional penalties

Any individual who, after notice, refuses to abate a nuisance as defined herein or permits the occupancy of a building in violation of Section 11 of this ordinance shall be guilty of the violation of this ordinance. For each such violation the individual shall be subject to a fine of not more than \$500.00 and imprisonment for not more than ninety days, or both. Each day of refusal to abate the nuisance or permitting the occupancy of a building in violation of this ordinance shall constitute a separate offense.

SECTION 13: Severability

Severability is intended throughout and within the provisions of this ordinance. If any provision, including any section, exception, part, phrase or term, or the application thereof is held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of this ordinance in any and all other respects shall not be affected thereby. If any phrase, clause, word or other portion of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, the invalidity shall be limited to that portion of the ordinance.

All ordinances or parts of ordinances in conflict herewith are repealed as of the effective date of this ordinance.