

NOTICE OF INTRODUCTION OF ORDINANCE

NOTICE IS HEREBY GIVEN that the following entitled ordinance was introduced in writing in the form required for adoption at a meeting of the Parish Council of the Parish of Livingston, State of Louisiana, on August 28, 2014, and laid over for publication of notice:

L.P. ORDINANCE 14-40

AN ORDINANCE TO AMEND CHAPTER 16, "VEGETATION," ARTICLE IV, "GRASS, WEEDS, BRUSH, DEBRIS, AND TRASH", SECTION 16-44, PARTS (A), SUBSECTIONS (1), (2) AND (3) "NOTICE TO ABATE NUISANCE; PENALTY FOR NONCOMPLIANCE", BY AMENDING THE OFFENSE OCCURANCE PENALTIES, OF THE CODE OF ORDINANCES IN AND FOR THE PARISH OF LIVINGSTON.

NOTICE IS HEREBY FURTHER GIVEN that the Parish Council opened the public hearing on the proposed ordinance on Thursday, September 25, 2014, at six (6:00) o'clock p.m., at the Parish Council Chambers, 20355 Government Boulevard, Livingston, Louisiana, at which time the public hearing on the adoption of the aforesaid ordinance will be reconvened.

Lisa Frederick, Council Clerk

Ricky Goff, Council Chair

(As per rules of the Council, copies of the proposed ordinance shall be made available for public inspection in the Office of the Livingston Parish Council.)

The following ordinance, which was previously introduced in written form required for adoption at a regular meeting of the Parish Council on Thursday, August 28, 2014, a summary thereof having been published in the official journal together with a notice of public hearing which was held in accordance with said public notice was brought up for final passage September 25, 2014, on Motion of Joan Landry and seconded by Chance Parent:

L.P. ORDINANCE 14-40

AN ORDINANCE TO AMEND CHAPTER 16, "VEGETATION," ARTICLE IV, "GRASS, WEEDS, BRUSH, DEBRIS, AND TRASH", SECTION 16-44, PARTS (A), SUBSECTIONS (1), (2) AND (3) "NOTICE TO ABATE NUISANCE; PENALTY FOR NONCOMPLIANCE", BY AMENDING THE OFFENSE OCCURANCE PENALTIES, OF THE CODE OF ORDINANCES IN AND FOR THE PARISH OF LIVINGSTON.

WHEREAS, the Livingston Parish Council adopted L.P.O. 97-11, enacting Chapter 16 of the Code of Ordinances of Livingston Parish, "Vegetation", and

WHEREAS, the Livingston Parish Council has adopted amendments to Chapter 16 of the Code of Ordinances and now desires to further amend those sections amending the penalty for the first, second and third occurrence for "Notice to Abate Nuisance; Penalty for Noncompliance" to Section 16-44, part (a), subsections (1), (2) and (3).

WHEREAS, the Livingston Parish Council now wishes to delete the statement located in Section 16-44, part (a), found under part (2) and part (3) that states: "*Each and every day of violation, beginning on the sixteenth day after receipt of their notice of violation, shall be considered a separate offense.*"

NOW, THEREFORE, BE IT ORDAINED by the governing authority of the Parish of Livingston, State of Louisiana: the first, second and third penalties for noncompliance of written notice directing the cleanup of property, to cut all unsightly, grass, weeds, brush, etc., and to remove all debris, trash, rubbish, garbage, refuse, scrap, and/or junk that may be a nuisance and/or pose a health or other hazard upon such property within fifteen (15) days of receipt of said letter, of the Code of Ordinances of Livingston Parish, Section 16-44, *Notice to Abate Nuisance; Penalty for Noncompliance*, and is hereby amended in this section to read as follows:

Section 16-44. Notice to abate nuisance; penalty for noncompliance.

(a)

- (1) After fifteen (15) days of receipt of said notice, any person or firm failing to comply with the terms of such notice for a first offense, shall be subject to a penalty of two hundred dollars (\$200.00) beginning on the sixteenth day.
- (2) Any person or firm committing a second offense of failing to comply with the provisions and/or requirements of this article within a twelve-month period from conviction for the first offense, shall, upon conviction, be fined three hundred dollars (\$300.00) beginning on the sixteenth day after receipt of their notice of violation and a minimum of twenty-four (24) hours of mandatory supervised related community service approved by the court. The offending person or firm shall pay the cost of supervision for mandatory community service hours.

The paragraph located under part (2) of this section: "*Each and every day of violation, beginning on the sixteenth day after receipt of their notice of violation, shall be considered a separate offense.*" shall be deleted.

- (3) Any person or firm committing a third offense of failing to comply with the provisions and/or requirements of this article within a twelve-month period from conviction for the second offense, shall, upon conviction, be fined five hundred dollars (\$500.00) beginning on the sixteenth day after receipt of their notice of violation and not less than a minimum of forty-eight (48) hours of mandatory, supervised related community service approved by the court and at the discretion of the judge, and/or up to thirty (30) days in jail. The offending person or firm shall pay the cost of supervision for mandatory community service hours.

The paragraph located under part (3) of this section: “*Each and every day of violation, beginning on the sixteenth day after receipt of their notice of violation, shall be considered a separate offense.*” shall be deleted.

BE IT ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed. If any provision of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

The effective date of this ordinance shall be as prescribed by law.

Upon being subjected to a vote, the vote thereon was as follows:

YEAS: MS. FRANZ, MR. PARENT, MR. HARRIS, MS. LANDRY, MR. NORRED,
MR. SHARP, MR. BLACKWELL, MS. COLLINS, MR. GOFF

NAYS: NONE

ABSENT: NONE

And the ordinance was declared adopted on the 25th day of September, 2014.

Ricky Goff, Council Chair

ATTEST:

Lisa Frederick, Council Clerk

INTRODUCED _____ ADOPTED _____

DELIVERED TO PRESIDENT _____, _____ o'clock ____ .M.

APPROVED BY PRESIDENT _____

Layton Ricks Date

VETOED BY PRESIDENT _____

Layton Ricks Date

RECEIVED FROM PRESIDENT _____, _____ o'clock ____ .M.