

MINUTES

**Livingston Parish
August 6, 2024**

Pursuant to notice duly posted in the public lobby of the Livingston Parish Governmental Building, the Livingston Parish Ordinance Committee met on August 6, 2024, at the hour of five o'clock (5:00) p.m. in the Parish Council Chambers, located in the Livingston Parish Governmental Building, 20355 Governmental Boulevard, Livingston, Louisiana with the following members present:

Dean Coates – Chairman
Ryan Chavers
Billy Taylor

The Chairman, Dean Coates, called the meeting to order.

The Deputy Clerk called roll. With all present except Councilwoman Erin Sandefur, the Chair began by addressing item:

4. New Business:

- a. **Discussion of Ordinance to amend chapter 125 subdivision regulations – (make all development show where utilities are running on plat map) – Ryan Chavers**

Councilman Chavers stated that he will not be discussing this item, as he found the information that he needed before the meeting.

With no other discussion, the Chair moved on to Agenda Item(s):

4. New Business:

- a. **Discussion of two Ordinances amending penalties and enforcement for non-compliant properties – Billy Taylor**

Councilman Taylor said he has been speaking with our Compliance Department about the blighted properties throughout the Parish and how they are not following our Ordinances. Our Compliance office will send them a letter, and after that notice is sent, they do not feel as if they have much power to go out and enforce the Ordinances that we have set in place. They changed a good bit of working, and it is worded as:

Sec. 74-89. Notice to abate nuisance; penalty for noncompliance.

(a) Any person or firm violating this article shall, ~~if practicable, be given a written notice~~ **be given a written notice of violation, either by personal service or** by certified mail, return receipt requested, directing them to clean the property, to cut all unsightly, grass, weeds, brush, etc., and 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.~~ **the specified time stated within the notice.** The sheriff or other law enforcement official may also serve said notice on them with return of service to the enforcing authority.

(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 (16th) day after receipt of their notice of violation~~ **beginning on the first day after the date specified within the notice of violation.**

(2) Any person or firm committing a second (2nd) offense of failing to comply with the provisions and/or requirements of this article within a twelve (12) month period from conviction for the first (1st) offense, shall, upon conviction, be fined three hundred dollars (\$300.00) beginning on the ~~sixteenth (16th) day after receipt of their notice of violation~~ **first day after the date specified within the 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.

(3) Any person or firm committing a third (3rd) offense of failing to comply with the provisions and/or requirements of this article within a twelve (12) month period from conviction for the second offense, shall, upon conviction, be fined five hundred dollars (\$500.00) beginning on the ~~sixteenth (16th) day after receipt of their notice of violation~~ **first day after the date specified within the 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. Having paid a fine does not release the violator of his responsibility to clean the property, cut all unsightly, grass, weeds, brush, etc., and 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.

(b) If the person or firm violating this article is a tenant or occupant of the property, written notice shall also be given by personal service sent or by certified mail, return receipt requested, to the owner of record of the property. Said notice shall notify them that, upon failure of their tenant or occupant of the property to remedy or abate their violation by the expiration of the fifteen (15) day clean up period allowed them by this article, that, as owner of the property, without further notice they shall ultimately be held responsible for compliance with the article time specified, that, as owner of the property, without further notice they shall ultimately be held responsible for compliance with the article. The owner shall then have a like period of fifteen (15) days to comply with the cleanup of the property beginning on the sixteenth (16th) day that their tenant or occupant of the property is in violation of this article after receipt of their notice of violation.

Sec. 74-91. Right of Parish to abate nuisance, recover costs from owner.

If the owner fails to clean the property, cut all unsightly, grass, weeds, brush, etc., and 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 the above-mentioned letter, within the specified time state in the notice of violation, the Parish Council shall have the property cleaned, cut all unsightly grass, weeds, brush, etc., and 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 either with the personnel and equipment of the Parish or by means of a contract with a third person after advertisement for bids in accordance with purchasing regulations. Upon completion of such work, the Parish shall prepare a certificate showing the cost of such work, the name of the owner and a description of the property and shall mail a copy of said certificate to the property owner by registered mail, return receipt requested. If the charges are not paid within fifteen (15) days of the date of the signed date of receipt of the mailed copy of the certificate, the Parish shall file a copy of said charges with the Parish tax collector to be added, along with all other costs of proceedings, to the annual ad valorem tax bill of the property involved.

Sec. 74-92. Extensions of time in which to abate nuisance or health hazard.

(a) In unusual situations where the property cannot be cleaned within fifteen (15) days after the allotted time specified in the notice or presumed notice, an extension of time of not more than thirty (30) days may be received from the Parish President upon submitting copies of documented proof that the property cannot be cleaned within a fifteen (15) day the given time period and showing that a good faith attempt to comply with this article is being undertaken by the violator.

(b) In unusual situations of special circumstances where the cleanup cannot be accomplished by the expiration of the thirty (30) day extension period, either the Parish President or the owner of the property may appear before the Parish Council at any regularly-scheduled meeting and present a written petition for a further special circumstance extension of time to be determined by the Council at that time for good cause shown. Said petition shall state efforts and degree of clean up already accomplished and reasons that this special extension of time is necessary; i.e., hazardous materials, death in immediate family, hurricane and/or other unusual weather conditions, or other special circumstances. The Parish Council shall have the sole authority in these special cases to set the time limit on any further extensions for compliance as well as the requirements and conditions under which the extension is to be granted and carried out. They shall also have the right to revoke any extension of time for compliance for any good cause such as lack of performance or having presented false documentation and/or information in application for an extension of time to abate the violation.

Sec. 74-93. Refusal of certified mail.

(a) For the purposes of this article, when the owner, resident tenant, or occupant in violation of this article has been served notice by certified mail, return receipt requested, to the address of the premises or other known address through which they are known to receive mail, and such certified mail is refused or otherwise unclaimed, they are deemed to have received notice in accordance with the provisions of this article and the fifteen (15) day period for compliance shall commence to run on the date of refusal.

(b) If notice sent to the tenant or occupant of the premises is returned as undeliverable by mail or mailing address is unknown, then service may be accomplished by either posting the notice on the doorway of said premises or by personal service of a misdemeanor summons for the violations by the Compliance officer, sheriff or other law enforcement officer empowered to make such service with the fifteen (15) day compliance period commencing on the date of posting or service of the summons.

Sec. 74-95. Administration and enforcement.

Except as otherwise may be provided herein, the provisions of this article shall be administered and enforced by the Compliance Office of Livingston Parish Government, the sheriff or the director of the department of public works. In the enforcement of any of the provisions of this article, such persons charged with administration and enforcement and their authorized agents, may enter upon private property without trespass or other liability to examine its condition, obtain

further information on the name and proper address of the owner and/or violator, and specific information on any alleged violations.

And:

Sec. 1-8. - General penalty for violation of Code; separate offenses

Whenever in this Code, or in any ordinance, any act or omission is prohibited or is made or declared to be unlawful or a misdemeanor, or whenever in said Code or ordinance the doing of any act or the failure to do any act is declared to be unlawful or a misdemeanor or is prohibited, and no specific penalty is provided therefor, and state law does not provide otherwise, or for a greater penalty, the violation of any such provision of this Code or any ordinance shall be a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or a term of imprisonment of not more than thirty (30) days in the Parish jail, or both. Unless specifically provided otherwise or the context thereof so dictates, each day any violation of any provision of this Code or any ordinance shall continue shall constitute a separate offense. In addition, the violator shall pay all costs and expenses involved in the case. Nothing in this Section shall prevent the Parish Council from taking other lawful action as is necessary to prevent or remedy any violation. Other penalty provisions of this Code do not affect this Section, except as to the portions of this Section amended by such other provisions.

The Director of Public Works and Director of Homeland Security are authorized to engage Uniformed Code Enforcement Officers to issue court summons' to offenders to appear in District Court, said officers may or may not be deputized by the Sheriff. Code Enforcement Officers shall also deliver "stop work orders" and "cease and desist letters" and have the authority to enter private property to enforce any ordinances not otherwise delegated to another agency for enforcement.

Public Input:

Mr. Wade Holden wanted them to elaborate on what they will be enforcing. Mr. Taylor states that is reads in the Ordinance as “to clean the property, to cut all unsightly, grass, weeds, brush, etc., and 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.~~ the specified time stated within the notice.”

Mr. Ralph Burgess asked about the time frame of the letters they will be handing out for these properties. Mr. Taylor specified that it could range anywhere for 24 hours – 15 days.

Mr. Holden would like them to define what exactly they are trying to enforce so it doesn't become a problem later.

Mr. Brian Meyers, Compliance Department, he wanted to explain that this Ordinance is already in place, that they are just wanting to change some of the wording and the time frame of which they can issue the letters to the property owners.

Mr. Taylor suggested that we just move this to the next Ordinance Meeting.

With no other discussion, the Chair moved on to Agenda Item(s):

4. New Business:

- a. Discussion of a one (1) year Moratorium prohibiting the division or re-subdivision of any lot, tract, or parcel of land in Council District 2 – Ryan Chavers

Councilman Chavers states that he spoke to Mr. Jerome Fournier about changing a few things that were previously suggested. He states that 5 lots or less can subdivide without any questions, and that he is going to change it from a one (1) year Moratorium to a six (6) month Moratorium. If anyone has a hardship, such as a family who would like a linear descendant to be able to live on the property once it is subdivided.

Mr. Ralph Burgess states that he feels like each district is picking and choosing what they can or cannot do within that district. He states that it should be the Parish as a whole, not just one district. Mr. Chavers asked if he thinks that it should be Parish wide? Mr. Burgess said that they could, but you need to be careful because the Parish does not have the same geographical makeup all over.

Mr. Chavers said that he spoke to Mr. Jerome, and they discussed possibly adopting zoning for District 2.

They then had a lengthy discussion about these issues.

Public Input:

Wade Holden
Melissa Jones

This item will also be discussed at the next Ordinance Meeting.

With no other discussion, the Chair moved on to Agenda Item(s):

4. New Business:

a. Discussion of removing "Subdivisions without improvements" out of our Ordinances – Ryan Chavers

Mr. Chavers states that this is a proposed Ordinance to remove this entire section from our Ordinances.

Public Input:

Mr. Billy Taylor, from McLin Taylor, states that if you have a landowner who has road front land and they divide into 9 lots, they would fall under the “Subdivision without improvements”. He states it doesn’t happen too often but it does happen.

Mr. Burgess gives a little bit of history of how this Ordinance came about.

Mr. Chavers states that any subdivision should be up to the Ordinance Codes, and not built on existing utilities that are already put down and every new subdivision should fall under “Subdivision with improvements”.

There was then a discussion about this item.

Public Input:

Mr. Ralph Burgess
Ms. Melissa Gill

A **MOTION** was offered by Ryan Chavers and duly seconded by Billy Taylor with a positive recommendation to send this item to the Council. Whereas none opposed the motion passed.

The Chair moved on to Agenda Item(s):

4. New Business:

a. Discussion of Ordinance amending “Sec. 18-28. - Declaration of Parish waterway closures.” – Dean Coates

Mr. Coates states that what we are trying to do is lock this down. He is wanting to make certain that once the river gauge(s) throughout the Parish reach a certain level that is when we will start shutting down the water ways. He states that without this we are opening the rivers to soon and it is causing damage to homes and extensions of the homes on the rivers in our Parish. He would like the waters ways to be closed when they reach this on the gauges:

Tickfaw River – Booplao’s River gauge
Closed at 4ft – Opened at 3.75 ft

Amite River – French Settlement
Closed at 3ft – Opened at 2.75

Mr. Coates states that they are trying to get more gauges set throughout the Parish Waterways and once they are and they get more information we can set more river closure guidelines.

Public Input:

Mr. Holden stated that Mr. Coates numbers for French Settlement are way off and he needs to take some more time to study this before moving forward.

Mr. Walley Avara states that on his property in Maurepas, they have water on the property at 3ft (from the French Settlement gauge). He states that those numbers are dead on.

Mr. Taylor asked where did Mr. Coates got these numbers, and if he had consulted with any other entity about this matter?

Mr. Chris Anderson, director of Livingston Parish Homeland Security, states they have a lot of collective information for these river gauges numbers. He would also like to put into this Ordinance to go ahead and

include that if the Parish President puts out a declaration for a storm of any other type of disaster, that all water ways will be closed upon that declaration.

Mr. Coates states that they will put this off until the next Ordinance Committee Meeting.

With no other discussion, the Chair moved on to Agenda Item(s):

4. New Business:

- a. **Discussion of Ordinance amending “Sec. 50-3. - Speed of boats.” – Idle Zone, Tickfaw River. Three hundred (300') feet on either side of the Prop Stop (or current name of establishment). – Dean Coates**

Mr. Coates states that he is wanting to remove the idle zone that is in front of “Prop Stop” since the business has not been open all summer and they are not sure if/when they are going to reopen. He states that it is state law to have no wake/idle zones in front of an active business.

Public Input:

Mr. Wade Holden wants them to take into consideration “Blind River Bar” closed for years and still had an idle zone, both “Prop Stop” and “Blind River Bar” have river intersections there. When the lake (Lake Maurepas) is too rough many people in boats will go hang out at the “no wake zone”. He also states that if they are going to remove this idle zone, they should remove the one on Chinquapin because there are no businesses through that area.

Ms. Nicole Holden states that on the Tickfaw River at Natalbany, there is no wake zone/idle zone at that locations and she suggests that they put one there.

With no motion and with no other business to discuss, a **MOTION** was offered by Billy Taylor and duly seconded by Ryan Chavers to adjourn the August 6, 2024, meeting of the Livingston Parish Ordinance Committee, with no further discussion and where none opposed.

/s/ Raven Watts
Raven Watts, Deputy Clerk

/s/ Dean Coates
Dean Coates, Chairman