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 \_\_\_\_\_\_\_\_\_\_\_, and laid over for publication of notice:

**L.P. ORDINANCE 24-**

 AN ORDINANCE TO AMEND CHAPTER 74, “VEGETATION,” ARTICLE IV, “GRASS, WEEDS, BRUSH, DEBRIS, AND TRASH”, BY AMENDING SECTION 74-89, “NOTICE TO ABATE NUISANCE; PENALTY FOR NONCOMPLIANCE.”, SECTION 74-91, “RIGHT OF PARISH TO ABATE NUISANCE, RECOVER COSTS FROM OWNER.”, SECTION 74-92, “EXTENSIONS OF TIME IN WHICH TO ABATE NUISANCE OR HEALTH HAZARD.”, SECTION 74-93, “REFUSAL OF CERTIFIED MAIL.”, AND SECTION 74-95, “ADMINISTRATION AND ENFORCEMENT.” 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, \_\_\_\_\_\_\_\_, 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.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sandy C. Teal, Council Clerk John Wascom, 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, \_\_\_\_\_\_\_\_\_\_, 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 \_\_\_\_\_\_\_\_\_\_\_\_, on Motion of \_\_\_\_\_\_\_\_\_\_\_ and seconded by \_\_\_\_\_\_\_\_\_\_\_:

**L.P. ORDINANCE 24-**

 AN ORDINANCE TO AMEND CHAPTER 74, “VEGETATION,” ARTICLE IV, “GRASS, WEEDS, BRUSH, DEBRIS, AND TRASH”, BY AMENDING SECTION 74-89, “NOTICE TO ABATE NUISANCE; PENALTY FOR NONCOMPLIANCE.”, SECTION 74-91, “RIGHT OF PARISH TO ABATE NUISANCE, RECOVER COSTS FROM OWNER.”, SECTION 74-92, “EXTENSIONS OF TIME IN WHICH TO ABATE NUISANCE OR HEALTH HAZARD.”, SECTION 74-93, “REFUSAL OF CERTIFIED MAIL.”, AND SECTION 74-95, “ADMINISTRATION AND ENFORCEMENT.” 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 to amend those sections amending the definition “Enforcing agency” to Section 16-41.

**WHEREAS**, the Livingston Parish Council now desires to amend Chapter 16, which is now Chapter 74 in multiple sections due to compliance penalties and enforcement.

**NOW THERFORE BE IT ORDAINED**, by the Parish Council of Livingston Parish, Louisiana: Chapter 74, “Vegetation,” Article IV, “Grass, Weeds, Brush, Debris and Trash” Section 74-89, “Notice to abate nuisance; penalty for noncompliance”, Section 74-91 “Right of Parish to abate nuisance, recover cots from owner”, Section 74-92 “Extensions of time in which to abate nuisance or health hazard”, Section 74-93 “Refusal of certified mail”, and Section 74-95 “Administration and enforcement”, is hereby amended to read as follows:

**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.

**BE IT FURTHER 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.

**BE IT FURTHER ORDAINED** by the Livingston Parish Council that all ordinances or parts of ordinances in conflict with this ordinance be and the same are hereby repealed.

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:

NAYS:

ABSENT:

ABSTAIN:

And the ordinance was declared adopted on the \_\_\_ day of \_\_\_\_\_\_\_\_\_, 2024.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 John Wascom, Council Chair

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sandy C. Teal, Council Clerk

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INTRODUCED\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ADOPTED\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DELIVERED TO PRESIDENT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_o’clock \_\_\_.M.

APPROVED BY PRESIDENT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Randy Delatte Date

VETOED BY PRESIDENT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Randy Delatte Date

RECEIVED FROM PRESIDENT \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_o’clock \_\_\_.M.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 John Wascom, Council Chairman

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sandy Teal, Council Clerk

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Randy Delatte, Parish President

\s\ John Wascom

 John Wascom, Council Chairman

ATTEST:

\s\ Sandy C. Teal

Sandy C. Teal, Council Clerk

\s\ Randy Delatte

Randy Delatte, Parish President