

Ordinance No. 05-2018-02

Town of Simmesport

BLIGHTED PROPERTY

IN GENERAL

Purposes, authority, and general requirements.

- (a) The intent of this chapter is to foster harmonious relationships between citizens and promote the health, safety, and prosperity of all Simmesport citizens by specifying the rights and responsibilities of property owners and others in the town limits of the Town of Simmesport for maintaining property under their control.
- (b) Provisions in this chapter, when not governed by other statutes as specified herein, were adopted pursuant to R.S. 33:361.
- (c) Property owners, lessees, and/or occupants of property in the Town of Simmesport shall maintain the properties under their control in a clean, sanitary, and safe condition as required herein. Failure to do so may result in the responsible party being charged with a misdemeanor, being issued an injunction from a court of competent jurisdiction, and/or being subject to abatement and cost recovery action by the town.

Definitions.

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meanings given herein:

Abandoned motor vehicle means:

- (1) A motor vehicle that is inoperable and is left unattended on public property (including the shoulders of highways and roads) for more than three days; or
- (2) A motor vehicle that has remained illegally on public property for more than three days; or
- (3) Any motor vehicle (whether or not it is operable) that has remained on private property without the consent of the property owner or person in control of the property for more than three days.

Authorized receptacle means any privately-owned litter storage and collection receptacle.

Garbage means putrefiable animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food and discarded paper, tin cans and glass.

Junk means:

- (1) Any discarded or abandoned machinery, appliances, furniture, metal, tin, mechanical parts, plastic, rubber, paper, rubble, stone, masonry pieces, glass, trash, debris, wood, lumber, or any other refuse; or
- (2) Any condition which provides harborage for rats, mice, snakes and/or other vermin.

Junk, wrecked or used automobiles or motor vehicles means any motor vehicle which is totally inoperable, left unattended on any unused portion of any occupied lot, neutral ground, street or sidewalk, and is so damaged or dismantled as to be a total loss.

Litter means garbage, refuse, debris, and rubbish as defined herein and all other waste material which, if thrown or deposited as therein prohibited, tends to create a danger to public health, safety and welfare. The term also includes temporary posters, flyers, and notices as specified by law, in public rights-of-way, on utility poles and structures in public rights-of-way or on public property.

Livestock keeping, raising or breeding means the keeping, raising, or breeding of any animals, including fowl, of any type or nature whatsoever; however, the definition does not include:

- (1) Keeping common household pets such as dogs, cats, hamsters, or caged birds for personal comfort and not as a commercial activity or with any expectation of realizing any proceeds or otherwise profiting therefrom;
- (2) The occasional sale of pet offspring;
- (3) Small animal veterinary clinics and kennels.

Nuisance means any and all prohibitions contained in articles 664 through 674 of the Louisiana Civil Code.

Owner means the individual or group of persons or legal entities who maintain the legal control of real or movable property. If more than one person or entity has a legal interest in the property, real or movable, official notice sent to one owner is said to be notice to all.

Park means a park, reservation, playground, beach, recreation center or any public area in the town, owned or used by the town and devoted to active or passive recreation.

Private property means any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, or any commercial establishment, building or structure, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, ground, walks, driveways, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building, commercial establishment or other structure.

Refuse means all putrefiable and nonputrefiable solid waste (except body waste), including garbage, rubbish, ashes, street cleaning, botanical and yard waste, dead animals, and solid market and industrial waste materials.

Rubbish and debris means nonputrefiable solid waste consisting of both combustible and noncombustible waste, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, property and similar material.

Total loss means when the cost to repair a damaged or dismantled motor vehicle exceeds the junk value of said vehicle, as determined by any recognized national appraisal book.

Illustrative enumeration.

The maintaining, using, placing, depositing, leaving, or permitting to be or remain on any public or private property of any of the following items, conditions, or actions are hereby declared to be and constitute a nuisance and shall be prohibited in the Town of Simmesport; provided,

however, this enumeration shall not be deemed or construed to be conclusive, limiting, or restrictive:

- (1) Accumulation of garbage; rubbish; trash; refuse; junk; junk, wrecked or used automobiles or motor vehicles; and other abandoned materials, metals, lumber, or other things.
- (2) Any condition which provides harborage of rats, mice, snakes, and/or other vermin.
- (3) Any building or other structure which is in such a dilapidated condition that it is unfit for human habitation, or kept in such any unsanitary condition that it is a menace to the health of people in the vicinity thereof or presents a fire hazard.
- (4) All unnecessary or unauthorized noises and annoying vibrations, including animal noises, as well as the conditions, machinery, or other causes which give rise to such unauthorized noises and annoying vibrations.
- (5) 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 and stenches.
- (6) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (7) The pollution of any public well or cistern, ditch, canal, stream, lake, or other body of water, except for legally maintained oxidation ponds, by sewerage, dead animals, creamery or industrial wastes, trash, garbage, refuse, junk, litter, rubbish, chemical or biological waste, or other illegal substances.
- (8) Any building, structure, or other place or location where any activity which is in violation of local, state, or federal law is conducted, performed, or maintained.
- (9) Any accumulation of stagnant water permitted or maintained on any lot or piece of ground.
- (10) Dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities.

Enforcement.

Unless otherwise specified in specific sections of this chapter for specific types of violations, any of the following procedures, abatement, injunction, and any penalties described in **Ordinance No. 04-2018-01** may be used by the town to enforce this chapter's provisions.

- (1) *General abatement procedures:*
 - a. In the event that any person, including but not limited to the property owner, general agent of property, lessee or tenant shall fail or neglect to comply with the provisions of this chapter, the Town of Simmesport is authorized, empowered, and directed to cause the violation to be corrected and abated and to assess the charges against the person responsible.
 - b. If the Town of Simmesport undertakes abatement action, the property owner shall be notified of the town's intent to abate the violation according to the applicable provision concerning said violation.

1. The town may serve notice on the owner by registered or certified mail, addressed to the owner at his last known address or through personal delivery by an employee of the town when appropriate.
 - i. In the case of right-of-way obstructions, notice may be in the form of a "notice to remove" attached to the obstruction itself.
 - ii. Litter in public rights-of-way or on public property may be abated without notification.
 2. Notice of the town's intent to abate a violation shall identify the explicit nature and location of the violation, including the legal property description, the owner thereof who is responsible, and the length of time allowed for voluntary correction.
 3. The town may extend the time limit for compliance or voluntary abatement through the execution of an abatement contract, signed and duly executed, which specifies the actions to be taken and the time limit allowed.
- c. All charges, costs, and expenses for abatement or correction of the violations incurred by the town shall be assessed to the person responsible and/or the property owner; and, if said person refuses to reimburse the town's costs within 30 days, the amount thereof may be collected through attachment of a tax lien.
1. The privilege and lien may be enforced by ordinary process in the district court within three years after it has been perfected.
 2. Alternatively, the privilege and tax lien may be enforced by assessing the amount as a tax against the immovable and collected as any ordinary property tax lien to be assessed against the property and subject to the same civil penalties for delinquencies.
- d. Abatement actions taken by the town under this chapter shall not preclude the imposition of criminal penalties as otherwise provided by law.

(2) *Court action:*

- a. The town may petition a court of competent jurisdiction for injunctive relief when responsible parties refuse to comply with the town's lawful order to correct violations of this chapter.
- b. In addition to the lien and enforcement procedures authorized under this section, the town has a cause of action against the owner personally for the cost incurred by the town, if such owner is not indigent and has the ability to pay a judgment obtained by the town.

(3) *Misdemeanor penalties:* Any person violating any provision of this chapter may be punished under **Ordinance No. 04-2018-01**. Each day that a violation continues shall be considered a separate offense.

Interpretation; validity; effective date; repealer.

- (a) *Interpretation:* In interpreting and applying the provisions of this chapter, they shall be held to be the minimum requirements for the promotion of the public health, safety and general

welfare. Whenever the provisions of this chapter require higher standards than are required in any other applicable statute, ordinance or regulation, the provisions of this chapter shall govern.

- (b) *Validity*: The requirements and provisions of this chapter are severable, and should any section or part thereof be declared by any court of competent jurisdiction to be unconstitutional or invalid the decision of the court shall not affect the validity of the chapter as a whole or any section or part thereto other than the section or part thereof so declared to be unconstitutional or invalid.
- (c) *Effective date*: This chapter shall become effective after its adoption and publication according to law.
- (d) *Repealer*: All ordinances or parts of ordinances in conflict with or inconsistent with the provisions of this chapter are hereby repealed.