

TOWN OF DUBACH

ORDINANCE NO: 393

AN ORDINANCE OF THE TOWN OF DUBACH TO REPEAL THE EXISTING CARE OF PREMISES ORDINANCE AND TO ADOPT A NEW ORDINANCE PROVIDING FOR REGULATION OF NOXIOUS WEEDS AND GRASS IN COMPLIANCE WITH LOUISIANA REVISED STATUTES 33:5062, *ET. SEQ.*.

WHEREAS, it has been determined to be in the best interest of the Town of Dubach and its citizens that the Town's ordinances clearly state the requirements regarding the regulation of noxious weeds and grass

NOW THEREFORE BE IT ORDAINED BY the Board of Aldermen of the Town of Dubach that Section 2 of Ordinances 11:22-11:24 (which should have been identified as 1202099-1) originally adopted on December 2, 1999 are hereby repealed and replaced in their entirety and a new ordinance is adopted to read as follows:

OFFENSIVE ACCUMULATIONS, WEEDS AND GRASS ORDINANCE

Section 1. Findings of Fact

It having been determined that there exists within the Town of Dubach property with the accumulation of obnoxious weeds and grass which endangers the health, safety, and general welfare of the citizens of the Town of Dubach and upon the authority of Louisiana Revised Statutes it is deemed in the public interest of the citizens of Dubach to establish clear guidelines for the maintaining property and removal of obnoxious weeds and grass in order to safeguard the public health, safety and welfare of the community it is necessary to adopt this ordinance.

Section 2. Responsibility of Land Owners.

- A. The owner of any land or property in the Town of Dubach has the responsibility to maintain all such property in a condition free from noxious weeds, grass, vines, brush or other growths or accumulations.
- B. The owner of any land or property in the Town of Dubach which adjoins or abuts any sidewalk has the responsibility to maintain such abutment or adjoinment in a condition free from weeds, grass, vines, brush or other growths or accumulations.

Section 3. Inspection and Regulation of Weeds, Grass, Vines, Brush, or Other Growths or Accumulations.

- A. The Public Works Forman and his designee are hereby authorized and charged with the responsibility to conduct regular and periodic inspections of the sidewalks, blocks, lots, and other areas within the corporate limits of the Town of Dubach, for the purposed determining when the cutting destroying, or removing of noxious weeds, grass, vines, brush or other deleterious or unhealthy growths or accumulations may be necessary.
- B. The Mayor, Council Members, and other Town employees may notify the Public Works Forman of properties that appear to be in violation of this ordinance. Upon receiving said information, the Public Works Forman or his designee shall inspect the property to make an initial determination regarding whether any properties are in violation of this ordinance.

Section 4. Notice to owners.

- A. When the Public Works Foreman or authorized designee determines that the presence, growth, or accumulation of noxious weeds, grass, vines, or brush or other growths on any property within the corporate limits of the Town of Dubach constitutes an unhealthy, unsafe, or unsanitary condition, the Public Works Foreman or designee shall report same to the Town Clerk, together with a description of the property and its condition.
- B. Upon receipt of such report, the Town Clerk shall prepare and send a notice directed to the owner of said property, as shown on the most recent assessment roll. Said notice shall state that the owner must cut, destroy, or remove all noxious weeds, grass, vines, brush and other growths or accumulations within five (5) days after the receipt of said notice. The Town Clerk shall send notice by registered mail or certified mail to the owner at the address shown on the most recent assessment roll or hand delivered to the property owner.
- C. Alternatively, notice may be provided to the owner by advertisement in the official journal for two consecutive days. Notice shall be considered received after the second day the notice was published. All expenses incurred in public advertisement shall be considered a recoverable expense under this ordinance.

Section 5. Power of Town to Undertake Cutting, Destruction or Removal.

- A. If the landowner has failed to cut, destroy or remove the weeds, grass, vines, brush or growths or accumulations on said property after the expiration of the notification period; the Public Works Department may proceed to cut the grass and cut, remove, or destroy any noxious weeds, vines, brush, and other growths or accumulations so that the property will be in compliance with this ordinance.
- B. The Public Works Forman or designee shall thereafter file with the Town Clerk a

record of the actual costs of the actions taken on the property to bring it into compliance with this ordinance.

Section 6. Payment or Collection of Costs.

A. The Town Clerk shall prepare a written statement identifying the address and description of the place on which the work was done and costs including certified mail costs and/or publication costs. This Notice of Costs shall be sent by registered mail or certified mail to the owner at the address shown on the most recent assessment roll or hand delivered to the property owner.

B. If said statement is not paid within one month after receipt by or on behalf of the owner, the amount thereof shall be included in and form part of the taxes due by the owner on said property.

C. If said statement is returned unclaimed, the amount thereof shall be included in and form part of the taxes due by the owner of said property.

Section 7. Collected Costs Credited to General Fund.

Amounts collected for these charges and costs through the payment of taxes shall be credited to the general fund of the Town of Dubach.

Section 8. Public Record Maintained.

The Town Clerk for the Town of Dubach shall maintain a record of such charges prior to the filing of the tax rolls, which record shall be open to inspection at all times and which shall constitute legal notice to the purchasers of the property, or parties lending money thereon, to the assessment.

Section 9. Repeated or Continuing Failure to Maintain Property.

A. If a landowner has been notified pursuant to this ordinance at any time in the preceding six (6) months, and has failed to do the required work thereafter, the Public Works Foreman or designee, without complying with the notices and set forth in this ordinance, may undertake the cutting, destroying or removal of weeds, grass and other growths on a monthly basis without further notification under subsection 4. Any actual costs incurred in such monthly cutting, destroying, or removing of weeds, grass or other growths shall be collected according to the procedures set forth in subsections 5 through 7 above.

B. Prior to undertaking a procedure on monthly cutting, destroying or removing weeds, grass or other growths from property under Section 9, the Public Works Foreman, Town Clerk, or other authorized person shall submit and record an affidavit in a special record maintained at Town hall in the Town of Dubach. Such affidavit shall:

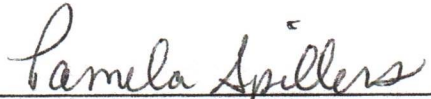
1. Be signed by the Mayor or the Mayor's designee;
2. Contain a description of the property sufficient to reasonable identify same;
3. Be accompanied by a photograph sufficient to reasonably identify its unsafe and unsanitary condition and to justify the necessity for cutting, destroying, or removing weeds, grass, vines, brush and other noxious growths or accumulations;
4. State that the responsible property owner has within the past six (6) months failed to do such work after notification and opportunity to do so pursuant to this ordinance.

BE IT FURTHER ORDAINED that if any portion 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.

This Ordinance was duly introduced, the title of this ordinance was duly published in accordance with law, and then duly read and adopted on the 15 day of June, 2020 by the following votes: A motion was made by Mary Billberry, seconded by Pam Freeman.

All ___ YEAS None ___ NAYS None ___ ABSENT None ___ ABSTAIN.

This Ordinance was adopted on the 15 day of June, 2020 and presented to the Mayor for her signature on the 15 day of June, 2020 (which is less than 3 days from the date the ordinance was adopted).


TOWN CLERK

Approved by the Mayor on this 15 day of June, 2020.


MAYOR