

## **ORDINANCE NO. 99-05 (MOP)**

**AN ORDINANCE TO DEFINE AS A MISDEMEANOR THE OWNERSHIP, OCCUPANCY OR MAINTENANCE OF ANY REAL PROPERTY WITHIN THE TOWN OF STERLINGTON UPON WHICH GRASS, WEEDS, VINES OR PLANTS ARE ALLOWED TO GROW TO SUCH HEIGHT OR IN SUCH PROFUSION AS TO CONSTITUTE A TRAFFIC OR HEALTH HAZARD OR BECOME OBNOXIOUS AND UNSIGHTLY AND TO PROVIDE FOR ENFORCEMENT BY FINES, PENALTIES AND LIENS, PLUS REPEAL ORDINANCE NO. 88-03 (MOP).**

**SECTION 1.** It shall be unlawful and constitute a misdemeanor for any person or business owning, occupying, leasing or using any lot, place or area in the Town of Sterlington to allow weeds, grass, vines, or plants to grow to a height of twenty-four (24) inches, measured from the ground to the top of the plant; or in such a manner as to:

- (1) Block the vision of pedestrians or motor vehicles near such area; or
- (2) Constitute a health or fire hazard; or
- (3) Become a breeding place for insects or hiding place for animals; or
- (4) Become publicly obnoxious and unsightly.

**SECTION 2.** No fine or charge shall be made or levied for violation of this ordinance unless and until such owner or occupant of the offending premises has been notified by registered mail at his last know address or by notice posted in a conspicuous place upon the premises in question that the condition of the said grounds must be corrected to comply with this ordinance within ten (10) days from the date of posting of the notice.

**SECTION 3.** In the event such owner or occupant (or either or both) do not cut and remove the said weeds, grass, vines or plant growth within the time stated in the said notice, the Town shall issue a citation charging the said persons with violation of this ordinance and serve it upon the owner or occupant and the same shall be prosecuted as any other misdemeanor.

**SECTION 4.** In the event the owner or occupant does not cut and clear the property within ten (10) days of the notice provided in Section 2, and whether or not a citation has been served as provided in Section 3, the Town may at its option cut the grass, weeds, vines or growth itself or employ someone to do it at the expense of the owner or occupant, the fee for this service will be that which is reasonable and customary for this service.

**SECTION 5.** After such cutting, the owner shall be mailed a bill for all costs of the work and equipment used in the cutting and cleaning and upon his failure to pay such charges within fifteen (15) days of its posting, the Town may file in the office of the Recorder of Mortgages of the Parish of Ouachita a lien sworn to by the Mayor or Chief of Police reciting the description of the property, the work performed and its cost which lien shall constitute a privilege and charge in favor of the city on such property for a period of five years from the date of its filing. Such lien may be reinscribed thereafter for an additional five year period if it remains due and unpaid.

**SECTION 6.** Any and all charges, expenses or costs incurred by the city in connection with the cutting of the grass, weeds or other growth or the removal of the same from the property pursuant to this ordinance shall draw interest at the rate of 12% per annum from the date notified to the owner or occupant until paid. In addition the Town shall impose an additional charge for filing each such lien of not less than \$50.00 plus the recording fees and all attorney's fees.

**SECTION 7.** It is recognized that within the Town limits there exist farm lands, woodlands, cultivated fields, river and lake frontage and large undeveloped tracts of land in and on which the natural or controlled growth of trees and plants is unavoidable and in some cases desirable and does not constitute a public hazard or nuisance.

However, on those particular tracts of land which join a residential district, housing development or any other family dwelling, the owner shall maintain a twenty (20) foot right-of-way, measured from the property line, that conforms to this ordinance.

The owners or users of any such tract or tracts may apply to the Board of Alderman for a certificate of exemption of any property on this account, which shall be granted for such periods as the alderman may fix upon the Board's determination that plant growth on such property does not constitute a health, safety or sanitary risk to the general public. Such exemption may be revoked by the Board of Alderman after notice and hearing upon the occurrence of any change in use or condition of the property that does in fact make uncontrolled growth upon it a violation of the standards stated in this ordinance.

The issuance of such certificate shall not be a defense to any action instituted prior to the date of its issuance, nor shall such certificate have any retroactive effect to impair the validity of any liens or charges filed against the property.

**SECTION 8.** "Posting" as used herein means the mailing of a written notice in the U.S. Mail, postage prepaid to the owner of the property at his address shown in the tax rolls of the tax collector of Ouachita Parish, or the affixing of a notice on a card or paper not less than 11 X 14 inches in size to any raised post, door, tree or other holder on the property in question that may be readily seen from nearest public thoroughfare to the property posted. Property so far removed from the public thoroughfare that it cannot be "posted" as defined herein shall not be subject to the provisions of this ordinance.

**SECTION 9.** The Town may serve or post as many notices of violation of this ordinance as may be necessary to insure its prompt and uniform enforcement against all violators. The Town may cut and remove grass or growth as many times as may be necessary to maintain the property in accordance with this ordinance, provided that thirty days has elapsed since the last cutting of grass by the Town or last notice served on the owner. Each violation for which notice is posted or a cutting performed shall constitute a separate offence.

**SECTION 10.** All ordinances or parts of ordinances in conflict herewith and particularly Ordinance No. 88-03-MOP adopted July 18<sup>th</sup> 1995, are repealed.

The above **ORDINANCE INTRODUCED** on the 17<sup>th</sup> day of August 1999, and duly considered and passed on the 21st day of September, 1999, (Donna Ashley, Chris Cox).

YEAS:	5
NAYES:	0
ABSENT:	0

And the ordinance was declared **ADOPTED** as Ordinance No. 99-05 (MOP) of the Town of Sterlington.

## **ORDINANCE NO. 2001-02 (MOP)**

### **AN ORDINANCE AMENDING ORDINANCE NO. 99-05 (MOP)**

#### **SECTION 7 AND ADDING SECTION 11.**

**SECTION 7.** It is recognized that within the Town limits there exist farm lands, woodlands, cultivated fields, river and lake frontage and large undeveloped tracts of land in and on which the natural or controlled growth of trees and plants is unavoidable and in some cases desirable and does not constitute a public hazard or nuisance.

The owners or users of any such tract or tracts may apply to the Board of Aldermen for a certificate of exemption of any property on this account, which shall be granted for such periods as the Aldermen may fix upon the Board's determination that plant growth on such property does not constitute a health, safety or sanitary risk to the general public. Such exemption may be revoked by the Board of Aldermen after notice and hearing upon the occurrence of any change in use or condition of the property that does in fact make uncontrolled growth upon it a violation of the standards stated in this ordinance.

The issuance of such certificate shall not be a defense to any action instituted prior to the date of its issuance, nor shall such certificate have any retroactive effect to impair the validity of any liens or charges filed against the property.

**SECTION 11. EMERGENCY ABATEMENT.** Whenever the appropriate municipal official determines that an emergency exists which requires immediate action to protect the public health, safety, and welfare, he may, without prior notice, issue an order that such emergency exist, requiring that such action be taken as deemed necessary to meet the emergency and such order shall be effective immediately. Failure of the responsible party to immediately abate violations of this section shall be unlawful and subject to the remedies and penalties of this chapter; and the town, without further notice, may institute action to relieve the public of any threat.

**ORDINANCE INTRODUCED** on the 18<sup>th</sup> day of September 2001.

This Ordinance having been submitted, introduced and published, was then submitted to a vote as a whole, the vote thereon being as follows:

AYES: 4

NAYES: 0

ABSENT: 1

And the Ordinance was declared **ADOPTED** on the 16th day of October, 2001, as Ordinance No. 2001 -02(MOP).