

CHAPTER 9

GARBAGE, TRASH AND JUNK

- Sub-Chapter A -- Garbage Regulations, In General
- Sub-Chapter B -- Collection and Disposal of Solid Wastes
- Sub-Chapter C -- Nuisance Abatement

Sub-Chapter A

Garbage Regulations, In General

SECTION 9:1. PARISH NUISANCE ABATEMENT REGULATIONS, HOW CITED

These regulations shall be known, cited and referenced to as the “Nuisance Abatement” Ordinance of Lafourche Parish.

SECTION 9:2 PURPOSE

The purpose of these provisions includes but is not limited to the following protections:

- i. To protect and provide for the public health, safety, and general welfare of the parish;
- ii. To ensure a healthful living environment through the abatement of noxious derelict structures, accumulations, trash, garbage, junked vehicles, abandoned vessels and other unsanitary conditions that are a menace to the health of people residing in the vicinity thereof, or present a more than ordinarily dangerous fire hazard in the vicinity where it is located; and
- iii. Eliminate conditions which are conducive to the harborage of rats, mice, snakes, and other vermin.

SECTION 9:3. AUTHORITY

By authority of the provisions set forth herein, adopted pursuant to the powers and jurisdiction vested through the Lafourche Parish Home Rule Charter and other applicable state statutes, laws, and regulations, Lafourche Parish does hereby exercise the power and authority to abate the existence of all nuisances, as defined in Section 9:8, and throughout this chapter.

Comments: Ord. No. 3605 of 5/24/05 provided major revisions to Chapter 9 concerning Nuisance Abatement.

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SECTION 9:4. JURISDICTION

The provisions of this chapter shall apply to all property movable or immovable situated within the parish.

SECTION 9:5. INTERPRETATION

In the interpretation and application, the provisions of this chapter shall be held to be the minimum requirements for securing the health, safety, and welfare of the citizens of the parish.

SECTION 9:6. SEVERABILITY

If any part or provision of this chapter or application thereof to any person or circumstances is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in all controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of these provisions or the application thereof to other persons or circumstances. It is hereby declared, that the remainder of these provisions would have been enacted, even without any such part, provision, or application.

SECTION 9:7. SAVINGS PROVISION

These provisions shall not be construed as abating any action now pending under, or by virtue of prior existing provisions, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the parish under any section or provision existing at the time of adoption of these provisions, or as vacating or annulling any rights obtained by any person, firm or corporation, by lawful action of the parish, except as shall be expressly provided for in these regulations.

ARTICLE II. DEFINITIONS

SECTION 9:8. WORDS AND TERMS DEFINED

For the purposes of this chapter, the following terms, phrases, words and derivations shall have the meaning given herein, unless it is apparent from the context that a different meaning is intended:

1. *Abandoned/derelict structure.* Any structure or portion thereof used or previously used for residential, business, industrial, farming, or storage purposes which has been deemed structurally unsafe, unstable, unsanitary, a hazard to life because of inadequacies in the areas of proper exits, foundation, and structural integrity; poses a fire hazard; is unsuitable for human habitation or use to which the structure was originally intended; is or may be becoming a place of rodent and insect infestation; is littered with trash and debris; or, otherwise constitutes a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence, or abandonment.

2. *Abandoned/junked vehicle.* Any motor vehicle which is intended to be self propelled and designed to travel along the ground the condition of which is as follows:

Wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded, the condition of the vehicle being such that it is considered to be a total loss. The term Atotal loss@ shall mean (1) that the cost to repair a damaged or dismantled vehicle exceeds the junk or salvage value of the said vehicle, as determined by any recognized national appraisal book and/or a qualified appraiser of motor vehicles; and/or (2) the vehicle has been left unattended for at least forty-eight (48) consecutive hours on public property and/or (3) at least seven (7) days on private property in such condition by reason of deterioration of the manner in which it is maintained that it is so damaged or dismantled as to be unusable as a self propelled vehicle capable of traveling along the ground.

3. *Abandoned sunken vessel.* The term “abandoned sunken vessel” is any vessel, barge, watercraft or other floating structure in a sunken or partially sunken state for more than sixty (60) days. This section does not apply to any barge or barge operation that requires sinking for storage or securement purposes.

4. *Buffer Zone.* The term “buffer zone” means the land adjacent to and within thirty (30’) feet of a subdivision and all lands within one hundred fifty (150’) feet of any inhabited structure.

5. *Dead animals.* See “Putrescible Waste”.

6. *Department.* The term “department” means the Department of Coastal, Energy and Environment or any department designated by the parish president to administer the provisions of this chapter or article.

7. *Fence.* The term “fence” means an opaque, nontransparent barrier, constructed of wood, masonry, tin or vinyl, erected around land.

The fence must measure between six feet (6’) and fifteen feet (15’) in height as determined by the department. Except as provided for herein, the fence shall not contain any posters, signs, or other advertising of any kind. In cases of commercial premises on which a fence must be erected for compliance with the provisions of this chapter, one (1) sign measuring no larger than one hundred square feet in area advertising the business activity being conducted on the premises on which the fence is located shall be allowed.

8. *Garbage.* See “solid waste”

9. *Inoperative.* The term “inoperative” means incapable of self-propelled movement. A vehicle which is not currently and validly registered for operation or use on highways and streets, as required by law, is presumed to be inoperative.

10. *Junk.* The term “junk” means any trash, refuse, garbage, debris, printed paper flyers, handbills, collapsed or fallen mobile homes, trailers without wheels or tires, rubbish, old or scrap rope, rags, batteries, paper, rubber, copper, brass, aluminum, iron, steel and other old or scrapped ferrous or nonferrous materials; discarded refrigerators, freezers, stoves, and other appliances; discarded mattresses, glass, wood and tires; and, any other junk or discarded materials. The term also includes salvage yards and recycling centers.

11. *Litter.* The term “litter” means “junk”, “putrescible and nonputrescible waste”, “refuse”, and “rubbish” as defined herein and all other waste materials which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, and welfare, including metals and wood materials.

12. *Littering.* The term “littering” means the casting, depositing, dropping, scattering, sweeping or leaving, or causing of any such acts, of any waste matter of any kind, on any private or public water of land premises, in other than appropriate storage containers and properly maintained composting containers.

13. *Maintenance of a nuisance.* The term “maintenance of a nuisance” means to conduct, carry on, keep or permit to exist on one’s premises any prohibited activity, condition or nuisance, as defined herein. Failure to abate a nuisance prohibited activity shall be considered as maintenance of a nuisance.

14. *Major appliance.* The term “major appliance” means any refrigerator, freezer, range or machinery; other metal, tin, or other discarded item which is totally inoperable, left unattended on a public street, public property, vacant lot, or any unused portion of any occupied lot, neutral ground, street or sidewalk within the parish for more than forty eight (48) hours, and is so damaged or dismantled as to be a total loss.

15. *Major traffic arteries.* The term “major traffic arteries” means those federal, state, and local highways, road and thoroughfares outside of residential subdivisions which serve as major traffic arteries within Lafourche Parish.

16. *Motor Vehicle.* The term “motor vehicle” means any vehicle which is intended to be self propelled and designed to travel along the ground including, but not limited to automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, and motor homes. The term shall not include vehicles moved by human power or used exclusively upon stationary rails or tracks. For purposes of Nuisance Abatement, a towable trailer shall be considered a motor vehicle in spite of the fact that it does not have a motor. Towable trailers are intended to include any trailer built or constructed for use on public highways and roads excluding mobile homes intended for commercial or residential use.

17. *Nonputrescible Waste.* The term “nonputrescible waste” means waste that is not likely to spoil, decompose or putrefy and become offensive.

18. *Nuisance.* The term “nuisance” means any activity, condition, or use of a premises which is detrimental to or endangers public safety, health or welfare; produces such material annoyance, inconvenience, and/or discomfort so as to interfere with or disturb another in the peaceful possession of his property or cause injury to the right of another or of the public is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of the property in the vicinity or neighborhood in which such premises is located; is in violation of any land use, zoning, or solid waste regulation; or any prohibition activity or condition declared to be a nuisance in this chapter.

19. *Noxious Accumulation.* The term “noxious accumulation” means accumulations of materials described in this section which can be injurious to physical or mental health.

20. *Owner of the land.* The term “owner of the land” means the owner of the land on which a nuisance, as defined herein, is located, as shown on the last assessment roll for Lafourche Parish.

21. *Parish.* The term “parish” means the Parish of Lafourche, or any authorized agent of the Parish of Lafourche.

22. *Premises.* The term “premises” means any building, structure, property, watercraft or movable owned or occupied by any proprietary party or representative thereof.

23. *Prima facie evidence.* The term “prima facie evidence” means evidence adequate to establish a fact or raise a presumption of fact, unless refuted.

24. *Property.* The term “property” means any lot, tract or parcel of land, or any portion of ground or other immovable property, whether occupied or vacant, which is situated within the parish and owned by a person, a corporation, or a legal entity.

25. *Proprietary party.* The term “proprietary party” means an owner, lessee, sub lessee, tenant or occupant or any premises.

26. *Putrefy.* The term “putrefy” means the process by which organic waste begins to decompose and oxidize thereby resulting in odors.

27. *Putrescible waste.* The term “putrescible waste” means all waste which contains organic matter, including dead animals and/or skins or shells thereof, capable of being decomposed by micro-organic matter, and of such character and proportion as to be capable of attracting or providing food for birds, and potential disease vectors (such as rodents and flies).

28. *Refuse.* The term “refuse” means all putrescible and nonputrescible solid wastes (except body wastes) including garbage, rubbish, ashes, street cleanings, dead animals, junked automobiles, and solid market and industrial wastes.

29. *Representative.* The term “representative” means an office, agent, employee or other representative of a proprietary party.

30. *Rubbish.* The term “rubbish” is nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.

31. *Screen Planting.* The term “screen planting” means living evergreen plants which grow to a sufficient height, but in no case less than eight (8’) feet two (2) years after planting, and of sufficient arrangement and density to conceal or screen the junk and trash from public view.

32. *Solid Waste.* The term “solid waste” useless, unwanted or discarded solid materials with insufficient liquid content to be free-flowing, that results from domestic, industrial, commercial, governmental and community operations which require proper storage, collection, transportation, and disposal to prevent environmental pollution detrimental to public health, safety, and welfare. Solid waste does not include abandoned or junked vehicles, sewage, sewage treatment residue, earth or material used to fill land in accordance with construction codes, mining residues, slag, dissolved or suspended solids in industrial waste water effluents which are not acceptable for disposal in regular sewage treatment systems.

33. *Subdivision.* The term “subdivision” means any tract of land which has been dedicated, accepted, and subdivided into lots, primarily for residential or commercial purposes.

34. *Tall grass.* The term “tall grass” means grass or weeds and other vegetation more than twelve inches (12”) in height when measured perpendicular from the ground. This term does not include ornamental vegetation, landscaping or agricultural plants to the extent these plantings do not create a threat to the safety and welfare of citizens or do not materially interfere with another in the peaceful possession of his property.

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35. *Trash.* Stoves, refrigerators, water tanks, washing machines, furniture, magazines, newspapers, cardboard containers, light tree debris, waste building materials resulting from construction, remodeling, repair or demolition operations, animals or portions thereof equal to or less than ten (10) pounds in weight that have expired from any cause except those slaughtered or killed for human use or consumption, waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or branches thereof, chips, shavings, sawdust, printed matter, paper, pasteboard, rags, straw, used and discarded mattresses, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging or wrapping, crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, and any and all other waste materials, useless, unwanted or discarded materials with insufficient liquid content to be free flowing, that results from domestic, industrial, commercial, agricultural, governmental and community operations which require proper storage, collection, transportation and disposal to prevent environmental pollution inimical to public health, safety and welfare. Trash does not include sewage, earth, or material used to fill land in accordance with construction codes, mining residues, slag, dissolved or suspended solids in industrial waste effluents which are not acceptable for disposal in sanitary sewage treatment systems.

(Ord. No. 3895, 10/10/06)

SECTIONS 9:9 – 9:30. RESERVED

SECTION 9:31. DUMPING OF TRASH, GARBAGE, ETC. ON OR ALONG PUBLIC ROADS PROHIBITED; PENALTIES

A. It is illegal to dump trash, garbage, household appliances and any other unwanted materials on or along public streets in the Parish of Lafourche, State of Louisiana.

B. The Sheriff of the Parish and the Louisiana Department of Public Safety are hereby specifically requested to assist in the enforcement of the provisions of this Section.

C. Any person who violates the provisions of this section shall upon conviction thereof, be punished by imprisonment in the parish jail for a period of not more than thirty (30) days or by fine of not more than five hundred dollars (\$500.00) or by both such imprisonment and fine, at the discretion of the Court.

(Ord. No. 1481, 4/11/84; 2574, 12/9/97; 3120, 2/11/03; Ord. No. 3605, 5/24/05)

Comment -- See Sections 9:77 for related provisions.

SECTION 9:32. DUMPING OF TRASH, GARBAGE, HOUSEHOLD APPLIANCES, AND ANY OTHER UNWANTED MATERIAL PROHIBITED

A. It is illegal to dump trash, garbage, household appliances, and any other unwanted material in the Parish of Lafourche, State of Louisiana.

B. The Sheriff of this Parish is hereby specifically requested to assist in the enforcement of the provisions of this section.

C. Any person who violates the provisions of this Section shall upon conviction thereof, be punished by imprisonment in the parish jail for a period of not more than thirty (30) days, or by fine of not more that five hundred dollars (\$500.00) or by both such imprisonment and fine, at the discretion of the Court.

SECTIONS 9:33 - 9:49. RESERVED

[RESERVED]

Sub-Chapter B

Collection and Disposal of Solid Wastes

SECTION 9:50. SOLID WASTE MANAGEMENT SYSTEM ADOPTED; PURPOSE AND SCOPE

A. *Purpose.* It is the purpose of this Sub-Chapter, and it is hereby declared to be the policy of the Lafourche Parish Police Jury Solid Waste Management Area (hereinafter called Parish) to implement a comprehensive Solid Waste Management System to regulate the storage, collection, transportation, processing and disposal of solid wastes through mandatory participation in the parish collection and disposal system, and prescribing penalties for violation of its provisions in a manner that will:

1. Protect the public health, safety and welfare;
2. Prevent land, water or air pollution;
3. Prevent the spread of disease and the creation of nuisances;
4. Conserve natural resources;
5. Enhance the beauty and quality of the environment.

B. *Scope:* This Sub-Chapter is applicable to all solid waste storage, collection, transportation, processing and disposal within Lafourche Parish, Louisiana.

(Ord. No. 1183, 12/27/76)

Comment -- Ordinance No. 1183 specifically superseded Ordinance No. 1128 and 1129 and amendments thereto, including Ordinances No. 1135 and 1151. These ordinances had previously been included in the Code as Sections 9:50 - 9:82 and provided comprehensive regulations government garbage collection and disposal in Garbage Districts 1, 2 and 5.

The enacting clause of Ordinance No. 1183 provided as follows: "The Lafourche Parish Police Jury, acting as the governing authority of Garbage Districts No. 1, 2, 3, 5, 6, 7 and 8 hereby ordains:" For a description of the areas included within these garbage districts, see Section 24:250 et seq. of this Code.

SECTION 9:51. REPEALED

Ordinance No. 1183 enacted a code concerning collection and disposal of solid waste. Ordinance Nos. 1550 and 1798 made extensive changes to the original language. Ordinance 1798 was a comprehensive enactment which made numerous changes in the parish's solid waste regulations. Ordinance No. 2652 of 8/11/98 repealed much of Sub-chapter B concerning collection and disposal of Solid Waste.

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SECTION 9:52. SOLID WASTE GENERATED OFFSHORE OR INLAND WATERWAYS AND OFF-LAND IN PARISH

For the purpose of this Sub-Chapter, any solid waste generated offshore or on inshore waters or inland waterways and off-land within the confines of this parish for the purpose of disposal shall be considered as having originated in this Parish. (Ord. No. 1183, 12/27/76)

SECTION 9:53. SOLID WASTE MANAGEMENT SYSTEM, RESPONSIBILITIES OF OWNER AND OCCUPANTS OF PROPERTY; GENERAL REQUIREMENTS AND PROHIBITIONS

A. *Parish Responsibility.* The Parish, through the use of parish forces or by employment of a fully qualified, experienced and responsible contractor or contractors, is responsible for the collection of all garbage, trash, and tree debris generated by occupied residential and small commercial units within the parish, including the Towns of Lockport and Golden Meadow and excluding the City of Thibodaux. An occupied unit means when utilities such as electricity and water are connected at the unit. The Parish is not responsible for collection of garbage, trash, and tree debris generated at locations other than occupied residential and small commercial units such as new construction and/or demolition sites, vacant lots, land clearing, and undeveloped properties, etc. Any contract entered into between the parish and said contractor or contractors shall provide for exclusive collection by each contractor or those classes covered by the respective contract or contracts within the parish's jurisdiction.

1. *Volume of material.* The amount of material collected at each occupied residential and small commercial unit shall be two (2) cubic yards or less per pickup cycle.

2. *Standards for collection.* Garbage and other putrescible material shall be bagged and containerized so as to prevent spillage and spreading by any means. Other items to be collected, if applicable, shall be securely tied in bundles not exceeding four (4) feet in length, two (2) feet in diameter or width and seventy-five (75) pounds in weight.

3. *Points of collection.* Containers and other material authorized for collection from residential and small commercial units shall be placed at curbside on an accessible public road, readily accessible to the collectors.

B. *Person/contractor's responsibility.*

1. Occupied residential and small commercial units generating garbage, trash, and tree debris in quantities greater than or types other than those specified above as being the parish's responsibility shall dispose of such at their own expense.

2. Persons or contractors generating all other garbage, trash, and tree debris shall dispose of such at their own expense.

3. The person or contractor responsible for any construction, remodeling, demolition work, and tree and brush cutting/removal from sites within the parish's jurisdiction shall be required to contact the parish's Solid Waste Department to obtain authorization to perform the work should the volume of debris generated exceed two (2) cubic yards per pickup cycle. Prior to authorization from the parish, the person or contractor shall be required to state the method of disposal for the debris generated that exceeds the parish's responsibility. No authorization from the parish is required for any work performed whereby the volume of debris generated is less than two (2) cubic yards per pickup cycle.

(Ord. No. 1183, 12/27/76; 3089, 8/13/02; 3347, 12/17/03)

SECTION 9:54. SOLID WASTE MANAGEMENT SYSTEM, GENERAL REGULATIONS GOVERNING SOLID WASTE STORAGE

A. The storage of all solid waste shall be practiced so as to prevent the attraction, harborage or breeding of insects and/or rodents and to eliminate conditions harmful to public health or which create safety hazards, odors, unsightliness and public nuisance.

B. The owner and occupant of any premises shall be responsible for the satisfactory storage of all solid waste accumulating or originating at that premises. A sufficient number of proper containers shall be provided by the owner or occupant to accommodate all applicable solid waste material generated to meet the intent of Paragraph A, above.

C. All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or menace to public health, safety or welfare. Containers that are broken or otherwise fail to meet requirements of this Sub-Chapter shall be immediately replaced with acceptable containers.

D. Where garbage and similar putrescible wastes are stored in combination with non-putrescible refuse, containers for the storage of the mixture shall meet the requirements for garbage containers. Garbage and trash shall be drained of all free liquids and garbage shall be wrapped prior to being placed in containers.

(Ord. No. 1183, 12/27/76)

SECTION 9:55. REPEALED

(Ord. No. 1183, 12/27/76; Ord. No. 2652, 8/11/98)

SECTION 9:56. REPEALED

(Ord. No. 1183, 12/27/76; Ord. No. 2652, 8/11/98))

SECTION 9:57. BULK CONTAINERS, REQUIREMENTS AND SPECIFICATIONS

Bulk containers normally utilized with mechanical collection equipment (front, rear or side loading solid waste collection vehicles equipped with appropriate container dumping mechanism) shall have a capacity which is compatible with the collection equipment, be constructed of durable, rust and corrosion-resistant material; be equipped with tight fitting lids or doors, prevent entrance of insects or rodents; and be watertight, leakproof and weatherproof. (Ord. No. 1183, 12/27/76)

SECTION 9:58. REPEALED

(Ord. No. 1183, 12/27/76; Ord. No. 2652, 8/11/98)

SECTION 9:59. REPEALED

(Ord. No. 1183, 12/27/76; Ord. No. 2652, 8/11/98)

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SECTION 9:60. HAZARDOUS WASTES, HANDLING, STORAGE AND DISPOSAL; RULES AND REGULATIONS; PERMITS; PERMIT FEES; SURETY BONDS

A. It shall be unlawful for any person, firm corporation, or organization to store or dispose of hazardous waste, or infectious waste within the boundaries of Lafourche Parish without first having acquired a State of Louisiana and/or Environmental Protection Agency Permit and a non-transferable Lafourche Parish Hazardous Waste Storing or Disposal Permit.

B. The storage and/or disposal of hazardous wastes or infectious waste shall be done in accordance with Rules and Regulations for Hazardous Waste Management Plan, as implemented by the Department. Each time and/or day that hazardous waste or infectious waste is stored or remains disposed of, in a manner contradictory to the requirements of this Section, shall constitute separate violations and shall be subject to the penalties set forth herein.

1. No hazardous waste or other waste shall be stored for and/or disposed of in the following areas or sites:

a. Wetlands or waterways.

b. Any area within a one-mile radius of any house, mobile home, apartment, condominium, commercial structure or other structure used as a residence or business, unless the structure is located and used on the site where the hazardous waste or other waste is stored or disposed of.

c. Any area designated as an area of particular concern by the Council, including Indian burial grounds, historical landmarks, graveyards or other areas of particular concern as defined by the Coastal Management Section of the State Department of Natural Resources or as defined in any local Coastal Zone Management ordinances or regulations.

C. No permit shall be issued except upon compliance with applicable rules and regulations of the Parish and other agencies having a competent jurisdiction and upon submission of a formal application specifying:

1. Name and address, telephone number and occupation of the applicant;

2. Summary of past experience in the field of storing and disposing of hazardous waste or infectious waste;

3. Copy of the permit application submitted to the applicable state or federal agency having jurisdiction concerning storing and disposing of hazardous waste or infectious waste;

4. Location(s) with adequate map and plats, section, township, range, latitude, and longitude of all storage and disposal sites of hazardous waste or infectious waste.

5. List of all hazardous wastes or infectious waste stored or disposed of. Provide the following information on each waste product:

a. Generic or chemical name;

b. Description of the appearance;

- c. Description of the odor;
- d. Hazards involved in handling;
- e. Instructions for safe handling;
- f. Procedures to be followed if material spills or leaks occur, or if a person is exposed.
- g. Fire fighting procedures and extinguishing agents effective with fires involving waste material.

6. Copy of the approved spill and counter measure plan, as required by applicable state and federal regulations;

7. Copy of all permits and authorizations received from state and federal agencies having competent jurisdiction.

D. The person, firm, corporation or organization applying for a Lafourche Parish Hazardous Waste Storing or Disposal Permit shall, upon receipt of notice of approval of their application, file with the Lafourche Parish Council a surety bond issued by an insurance company, authorized to do business in the State of Louisiana, which guarantees to the Lafourche Parish Council the satisfactory operation and closure requirements as set forth in the aforementioned Rules and Regulations for Hazardous Waste Management Plan. The surety bond shall be noncancellable except by approval of the Lafourche Parish Council and shall be in the amount set forth under Closure Financial Responsibility and Financial Responsibility During Operation Sections of the aforementioned Rules and Regulations for Hazardous Waste Management Plan.

1. If at any time after surety bond has been filed with the Parish, it shall be deemed by the Parish that the surety or sureties upon which such bond are unsatisfactory, or if for any reason such bond ceases to be adequate to cover the satisfactory operations and closure requirements as set forth hereinabove, the Permittee shall, at his expense and within five (5) days after receipt of notice from the parish to do so, furnish an additional bond or bonds in such form and amount and such surety or sureties as shall be satisfactory to the Parish. Failure on the part of the permittee to provide the required bond or bonds with the required surety or sureties within the time stated hereinabove shall result in immediate revocation of his permit.

E. A non-refundable permit fee shall be paid to the Lafourche Parish Council prior to issuance of the Lafourche Parish Hazardous Waste Storage or Disposal Permit. The permit fee shall be a minimum of fifty thousand dollars (\$50,000.00) for all storage or disposal sites having a capacity of fifty thousand (50,000) barrels or less. For sites having a capacity of more than fifty thousand (50,000) barrels, additional fees shall be assessed according to the respective category, as defined in the section entitled "Identification of Hazardous Waste of the Hazardous Waste Management Plan" as follows:

Category I -- Minimum \$50,000 fee plus \$10.00 for each barrel of additional capacity.

Category II -- Minimum \$50,000 fee, plus \$7.50 for each barrel of additional capacity.

Category III -- Minimum \$50,000 fee, plus \$5.00 for each barrel of additional capacity.

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F. The Lafourche Parish Council shall conduct at least one (1) public hearing concerning the proposed site and said hearing will allow residents to voice their opinion on said proposed side of facility.

G. The Lafourche Parish Council shall have the prerogative to deny issuance of a permit, should they decide it to not be in the best interest and/or welfare of the residents of Lafourche Parish, regardless of any other information, data or other permits granted by any other agency.

H. Any person who violates the provisions of Paragraphs E, F and G of this section shall, upon conviction thereof, be punished by imprisonment in the parish jail for a period of not more than thirty (30) days, or by fine of not more than five hundred dollars (\$500.00) or by both such imprisonment and fine, at the discretion of the court.

I. Any violation of any provision of this section shall constitute a misdemeanor and, upon conviction in a court of competent jurisdiction, the offender shall be fined not less than fifty dollars nor more than one hundred dollars (\$100.00) or be imprisoned for not more than thirty (30) days or both, in the discretion of the court, for the first offense; and for the second offense, he shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty (\$250.00) dollars or be imprisoned for not less than forty-five (45) days, or suffer both fine and imprisonment, in the discretion of the court; and for the third offense, he shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) or be imprisoned for not less than sixty (60) days nor more than seventy-five (75) days, or suffer both fine and imprisonment, in the discretion of the court.

(Ord. No. 1309, 8/13/80; as amended by Ord. No. 1798, 12/9/87; Ord. No. 1889, 7/12/89; Ord. No. 1898, 9/13/89; and Ord. No. 2482, 3/11/97)

Comment -- Section 9:60 previously incorporated the provisions of Section 4-g of Ordinance No. 1183 (12/27/76). Ordinance No. 1309 amended and reenacted the Section, making substantive revisions. Ordinance No. 1798 further revised the section, basically by adding the provisions in Paragraphs C and G.

Ordinances No. 1889 and 1898 revised Paragraphs E, F and G. Both ordinances raised the fee schedule in Paragraph E; added the material in Paragraph F; and added the last phrase, "...regardless of any other information, data, or other permits granted by any other agency." in Paragraph G. They also added the material in Paragraph H.

Both of these ordinances stated they were amending Paragraphs D, E and F of this Section. The Section had previously been amended by Ordinance No. 1798, revising the paragraph numbering. Under Ordinance No. 1798, what had been Paragraph D became Paragraph E, and so on. To incorporate the material added in Ordinances No. 1889 and 1898, the Editor had to re-number the Paragraphs as authorized by Section 1:20 of this Code.

SECTION 9:61. REPEALED

(Ord. No. 1183, 12/27/76; as amended by Ord. No. 1798, 11/12/87; Ord. No. 2652, 8/11/98)

Comment -- Ordinance No. 1183 originally provided that the parish's solid waste collection and disposal program would be financed through the use of property tax assessments and/or a monthly service fee. Ordinance No. 1798 revised that language, replacing it with the provision that the program would be paid for by a one cent sales tax. This section was repealed by Ord. No. 2652.

SECTION 9:62. REPEALED

(Ord. No. 1183, 12/27/76 as amended by Ord. No. 1798, 11/12/87; Ord. No. 2652, 8/11/98)

Comment -- Ordinance No. 1183 limited the amount of household waste on the first collection day of any week to 64 gallons per unit. Ordinance No. 1798 raised this limit to 128 gallons. Ordinance No. 1798 also removed certain language from the section dealing with bulky wastes, and special service fees for such services. Ord. No. 2652 repealed this section.

SECTION 9:63. REPEALED

(Ord. No. 1183, 12/27/76; Ord. No. 2652, 8/11/98)

SECTION 9:64. REPEALED

(Ord. No. 1183, 12/27/76; Ord. No. 2652, 8/11/98)

SECTION 9:65. REPEALED

(Ord. No. 1183, 12/27/76; Ord. No. 2652, 8/11/98)

SECTION 9:66. REPEALED

(Ord. No. 1183, 12/27/76; Ord. No. 2652, 8/11/98)

SECTION 9:67. REPEALED

(Ord. No. 1183, 12/27/76; Ord. No. 2652, 8/11/98)

SECTION 9:68. SOLID WASTE TRANSPORTATION, REQUIREMENTS FOR VEHICLES

A. Vehicles or containers used for the collection and transportation of garbage and other putrescible wastes, or refuse containing such materials, shall be steel covered, leakproof durable metal and of easily cleanable construction. These shall be cleaned at appropriate intervals to prevent nuisances, pollution or insect breeding, and shall be maintained in good repair.

B. Vehicles or containers used for the collection and transportation of solid waste shall be loaded and moved in such a manner that the contents will not fall, leak or spill therefrom, and shall be covered when necessary to prevent blowing of material. Where spillage does occur, the material shall be picked up immediately by the collector or transporter and returned to the vehicle or container and the area properly cleaned.

C. Vehicles and containers used for the collection and transportation of toxic or hazardous wastes shall be durable, enclosed and leakproof and shall be constructed, loaded, moved and unloaded in a safe manner and in compliance with the applicable regulations of the Department and parish.

(Ord. No. 1183, 12/27/76)

§ 9:69

SECTION 9:69. SPECIAL PERMIT REQUIRED OF PERSONS AND FIRMS ENGAGED IN THE BUSINESS OF COLLECTING AND TRANSPORTING SOLID WASTES

No person, firm, corporation, association or partnership shall engage in the collection or transportation of solid waste within the Lafourche Parish Council Solid Waste Management Area without first obtaining a permit from the Parish Government. All vehicles engaged in transporting residential, commercial, contractor's or manufacturing refuse, except those which are operated by the business or establishment producing such refuse in the Lafourche Parish Council Solid Waste Management Area shall be permitted as required in this section. (Ord. No. 1183, 12/27/76; as amended by Ord. No. 1798, 11/12/87;)

Comment -- Originally, this section provided that no person, firm, etc., could engage in the collection or transportation of solid waste within the Parish without first obtaining the special license required herein. The amendment changed the area involved from the parish to the territory within the Lafourche Parish Council Solid Waste Management Area. It also changed the requirement from a "license" to a "permit".

SECTION 9:70. APPLICATIONS FOR SOLID WASTE COLLECTION AND TRANSPORTATION PERMITS

A. No permit shall be issued except upon compliance with applicable rules and regulations of the Parish and other agencies having competent jurisdiction, and upon submission of a formal application specifying:

1. Name, address, telephone number and occupation of the applicant;
2. Summary of past experience in the field of solid waste collection and transportation;
3. Evidence of Workmen's Compensation and G.L. Liability Insurance coverage in the amount of \$100,000/\$300,000 in the form of a certificate of insurance;
4. Location(s) of authorized and approved disposal sites to which the solid waste material is to be transported for final disposal and written proof of acceptance for dumping by the owner or operator of the site;
5. List of all places from which the applicant proposes to collect solid waste and a description of the type, estimated volume and estimated weight of solid waste to be collected, which list shall be submitted monthly to the Parish Solid Waste Management division or other division designated by the Parish.
 - a. No person, firm, corporation, association or partnership shall dispose of solid waste within Lafourche Parish or its assigned landfill if the solid waste is generated outside Lafourche Parish boundaries. Any person, firm, corporation, association or partnership who violates the provisions of this subsection shall, in addition to the penalties as prescribed by law, be fined one thousand dollars (\$1,000.00) and prohibited from disposing of any solid waste at Lafourche Parish disposal sites, transfer or pick up stations.
6. Written proof from agencies having competent jurisdiction that all collection vehicles and collectors comply with the applicable rules and regulations of said agency;

7. A complete description of the collection vehicle(s) and the registration certificate(s) showing that the vehicle is or will be licensed for commercial use;

8. Landfill pick up stations or transfer site facilities shall deny access to said vehicles not in compliance with this section.

9. Landfill pick up stations or transfer site facilities located in the Lafourche Parish Council Solid Waste Management Area shall deny access to vehicles and individuals or firms from outside of the Lafourche Parish Council Solid Waste Management Area unless authorized in writing by the Lafourche Parish Council.

10. Any violation of any provision of this section shall constitute a misdemeanor and upon conviction in a court of competent jurisdiction, the offender shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) or be imprisoned for not more than thirty (30) days, or both, in the discretion of the court, for the first offense; and for the second offense he shall be fined not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) or be imprisoned for not less than forty-five (45) days nor more than sixty (60) days, or suffer both fine and imprisonment, in the discretion of the Court; and for the third offense, he shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) or be imprisoned for not less than sixty (60) days nor more than seventy-five (75) days, or suffer both fine and imprisonment, in the discretion of the court.

(Ord. No. 1183, 12/27/76; as amended by Ord. No. 1737, 1/14/87; Ord. No. 1798, 12/9/87; Ord. No. 1814, 4/13/88; and Ord. No. 1843, 8/10/88)

Comment -- Ordinance No. 1737 revised Sub-paragraph A-5 adding the requirement for monthly reports to the parish, and the prohibition against importing wastes. Ord. No. 1798 completely re-wrote the section, adding Sub-paragraphs 8 and 9, and the penalty provisions in Sub-paragraph 10. It also provided for the issuance of a "permit" rather than a "license".

Ordinances No. 1814 and 1834 both specified that they were amending Section 9:70 A, 4. Prior to the adoption of Ord. No. 1798, the subject matter amended by Ordinances 1814 and 1843 was contained in Sub-paragraph A-4. In Ordinance No. 1798, that subject matter was moved to Paragraph A-5, and the changes affected by Ordinances No. 1814 and 1843 were incorporated in that paragraph.

SECTION 9:71. PERMITTEE TO PRESENT COLLECTION VEHICLES TO PARISH FOR INSPECTION

A. The permittee must present his vehicle for inspection after the application has been approved by the Solid Waste Officer of Lafourche Parish Council or the designated representative of the Lafourche Parish Council but before the permit is issued.

B. While the permit is in effect, the permittee shall notify the Parish of any change in the information submitted by him on his application. A notice shall be given within ten (10) days of such change.

(Ord. No. 1183, 12/27/76; as amended by Ord. No. 1798, 12/9/87)

Comment -- Ordinance No. 1798 added the material in Sub-paragraph B. It also made some minor, technical changes in the provisions of Sub-paragraph A.

§ 9:72

SECTION 9:72. PERMIT FEES; PERMIT PERIOD; PERMITS NON-TRANSFERABLE

A permit fee of two hundred dollars (\$200.00) shall be charged for the first vehicle of each permittee. For each additional vehicle, an additional fee of forty dollars (\$40.00) shall be charged. Permits shall date from the first day of July, and expire on the 30th day of the following June. Permit fees shall not be transferable. (Ord. No. 1183, 12/27/76; as amended by Ord. No. 1798, 12/9/87)

Comment -- Ordinance No. 1183 provided for a "license fee" of \$200.00, plus \$10 for each additional vehicle. Ordinance No. 1798 changed the reference to a "permit fee", and raised the additional fee from \$10 per vehicle to \$40 per vehicle. It also deleted language that would have permitted fees to be prorated.

SECTION 9:73. LICENSE TO BE AFFIXED TO VEHICLES

Each licensee shall permanently affix the license decal issued by the Parish on the lower right hand corner of the front right hand windshield of the applicable vehicle. (Ord. No. 1183, 12/27/76)

SECTION 9:74. REVOCATION OF PERMITS

A. Permits shall be issued on the basis of anticipated performance of the permittee as gauged from the information furnished on his/her application. Permits may be revoked at any time for cause, including, but not limited to, failure to perform under provisions of this section, violation of any term of the permit, misrepresentation or failure to disclose any material fact required by this section.

B. Any person, firm, corporation, association or partnership aggrieved by the revocation of a permit may appeal to the Parish Government.

C. All information submitted by a prospective licensee shall be available to the public unless the applicant demonstrates that the information is entitled to confidential treatment as provided in LSA-RS 44:1 et seq., the Public Records Act.

(Ord. No. 1183, 12/27/76; as amended by Ord. No. 1798, 12/9/87)

Comment -- Ordinance No. 1798 completely re-wrote this section. It added the language in the first paragraph describing some of the causes for which permits could be revoked, and it also added the second and third paragraphs.

SECTION 9:75. EXEMPTION FROM LICENSE REQUIREMENTS FOR PERSONS HAULING THEIR OWN WASTES

Persons collecting or transporting solid waste or other waste which originates within their personal household are exempt from licensing of vehicles. (Ord. No. 1183, 12/27/76; as amended by Ord. No. 1550, 2/28/85; and Ord. No. 1737, 1/14/87)

Comment -- Ordinance No. 1550 added provisions setting forth certain rules and regulations for persons collecting and transporting their own wastes. Ord. No. 1737 repealed those provisions.

SECTION 9:75.1. FRANCHISE FEE ASSESSED ON ALL NEW SOLID WASTE CONTRACTS ENTERED INTO WITH LAFOURCHE PARISH

A. A solid waste franchise fee of ten percent (10%) shall be assessed all new solid waste contracts negotiated between Lafourche Parish Council and solid waste contractors.

B. The ten percent (10%) solid waste franchise fee must be paid monthly, based on the contractor's monthly gross receipts. Franchise fee must accompany monthly billing forwarded to Lafourche Parish Council in a timely manner.

C. Any solid waste contract entered into with Lafourche Parish Council must reflect a ten percent (10%) franchise fee.

D. The Town of Lockport and the Town of Golden Meadow are hereby authorized to receive their pro-rata share of the solid waste franchise fee on a monthly basis.

(Ord. No. 1853, 9/14/88; Ord. No. 2652, 8/11/98; Ord. No. 2677, 10/13/98; Ord. No. 2715, 1/12/99)

SECTION 9:76. REPEALED

(Ord. No. 1183, 12/27/76; as amended by Ord. No. 1798, 12/9/87; and Ord. No. 1870, 2/23/89; Ord. No. 2652, 8/11/98)

Comment -- Originally, Ordinance No. 1183 provided that "Scavenging is strictly prohibited at any location...." and salvaging was prohibited except by specific written permission. Both the original ordinance, and Ordinance No. 1798 provided that salvaging would be permitted only in the interest of recycling, and amending Ordinance No. 1870 removed that sentence. This section was repealed by Ord. No. 2652.

SECTION 9:77. LITTERING PROHIBITED; BURNING OF TRASH PROHIBITED

A. No person, firm or corporation, individually or collectively, shall throw, dispose of, or permit the dumping or disposing of solid waste upon public or private premises within the parish, except as herein provided.

B. No person, firm or corporation, individually or collectively, shall kindle or set fire to any combustible material upon any public or private premises for the purpose of disposing of solid waste material except as permitted by applicable laws.

(Ord. No. 1183, 12/27/76; as amended by Ord. No. 1798, 12/9/87)

Comment -- Ordinance No. 1798 re-worded the entire section. Originally, Ord. No. 1183, Section 9 began with the sentence, "No person shall litter any public or private premises."

See Section 9:31, this Code, for related provisions prohibiting the dumping of trash, garbage, etc., on or along Hatcher Lane in Ward 6. See Section 9:32 for similar restriction along Greenville Street and St. Patrick Street in Ward 3.

§ 9:78

**SECTION 9:78. SOLID WASTE DISPOSAL SITES, PERMITS REQUIRED;
BONDS REQUIRED**

A. No person shall establish or construct or operate or maintain or permit the use of a solid waste disposal site or facility without first having obtained from the Department and Parish a permit to establish or construct the site or facility or a permit to maintain and operate the site or facility pursuant to the rules and regulations promulgated by the Department and Parish.

B. Further, any person engaging in the operation of a solid waste disposal site or facility, other than a solid waste transfer station or pick-up station within Lafourche Parish shall post with the parish a bond, either in property or cash, in the amount of two million dollars and 00/100 (\$2,000,000.00). Said bond for a waste transfer station or pick-up station shall be one hundred percent (100%) of the facility construction contract price of \$2,000,000, whichever is less. Upon validation of any written complaint that such person is in violation of the Department regulations, the bond shall be forfeited and used to pay for any damages or correction of the problem.

(Ord. No. 1183, 12/27/76; as amended by Ord. No. 1721, 11/12/86; Ord. No. 2561, 9/9/97)

Comment -- Ordinance 1721 raised the amount of the bond required in Paragraph B above from \$3,000 to \$2,000,000.

**SECTION 9:79. DISPOSAL FEES CHARGED BY SOLID WASTE DISPOSAL
FACILITIES TO BE APPROVED BY PARISH**

Disposal fees charged at solid waste disposal facilities located within Lafourche Parish will be subject to review and approval by the Parish. (Ord. No. 1183, 12/27/76)

SECTION 9:80. OPEN DUMPING OF SOLID WASTE PROHIBITED

A. No person shall dispose of solid waste at any site or facility for which a permit for solid waste disposal has not been issued by the Department and Parish.

B. Open dumping of any solid waste within Lafourche Parish is strictly prohibited. Any solid waste originating outside of the Parish is prohibited from being disposed of within Lafourche Parish. For purpose of this section, any solid waste generated on offshore or inshore waters or inland waterways and off-loaded within the confines of the Parish for purposes of disposal shall not be considered as having been originated in the parish.

(Ord. No. 1183, 12/27/76; Ord. No. 2771, 6/8/99)

Comment -- Originally, Ord. No. 1183 provided that wastes originated off-shore and off-loaded in Lafourche Parish were to be considered as having originated within the parish. Ordinance No. 1845 stated that such wastes were not to be considered as parish wastes.

Also, see Section 9:52 for related provision.

SECTION 9:81 OPEN BURNING OF SOLID WASTE

- A. Purpose. It is the purpose of this Section to control outdoor burning of waste or other combustible material.
- B. Outdoor Burning Prohibited. No person shall cause or allow the outdoor burning of waste material or other combustible material on any property owned by him or under his control except as provided in Subsections C and D of this Section.
- C. Statutory Exceptions. The following activities are not subject to the prohibition created in Subsection B of this Section:
 - 1. the burning of leaves, grass, twigs, branches, and vines by a private property owner on his own property for noncommercial purposes in parishes with a population of 300,000 or less, provided the property owner attends the burning of yard waste at all times;
 - 2. the burning of trees, brush, grass, or other vegetable matter in any parish having a population of 90,000 or less, provided the location of the burning is not within the territorial limits of a city or town or adjacent to a city or town in such proximity that the ambient air of the city or town will be affected by smoke from the burning;
 - 3. the burning of trees, branches, limbs, or other wood as a bonfire that is specifically authorized by ordinance;
 - 4. the burning of agricultural by-products in the fields in connection with the planting, harvesting, or processing of agricultural products;
 - 5. the controlled burning of cotton gin agricultural wastes in connection with cotton gin operations;
 - 6. the controlled burning in connection with timber stand management; and
 - 7. the controlled burning of pasture land or marshland in connection with trapping or livestock production.
- D. Exceptions to Prohibition against Outdoor Burning. Outdoor burning of waste material or other combustible material may be conducted in the situations enumerated below if no public nuisance is or will be created and if the burning is not prohibited by and is conducted in compliance with other applicable laws and with regulations and orders of governmental entities having jurisdiction, including air control regulations and orders. The authority to conduct outdoor burning under this regulation does not exempt or excuse the person responsible from the consequences of or the damages or injuries resulting from the burning:
 - 1. outdoor burning in connection with the preparation of food;
 - 2. campfires and fires used solely for recreational purposes or for ceremonial occasions;
 - 3. outdoor burning in a rural park or rural recreation area of trees, brush, grass, and other vegetable matter for game management purposes in accordance with practices acceptable to Louisiana Parks and Recreation Commission and Louisiana Wildlife and Fisheries Commission;
 - 4. small fires, by tradesmen and contractors, in such activities as street repair, installation or repair of sewer, water, electric, telephone mains, and services;
 - 5. the operation of contrivances using open flames such as welding torches, blow torches, portable heaters, and other flame making devices;
 - 6. outdoor burning, in other than rural park or rural recreation area, of trees, brush, grass, and other vegetable matter from such area in land clearing and right-of-way maintenance operations if the following conditions are met:

§ 9:81

- a. prevailing winds at the time of the burning must be away from any city or town, the ambient air of which may be affected by smoke from the burning;
 - b. the location of the burning must be at least 1,000 feet (305 meters) from any dwelling other than a dwelling or structure located on the property on which the burning is conducted;
 - c. care must be used to minimize the amount of dirt on the material being burned;
 - d. heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any materials other than plant growth which produce unreasonable amounts of smoke may not be burned; nor may these substances be used to start a fire;
 - e. the burning may be conducted only between the hours of 8 a.m. and 5 p.m. Piles of combustible material should be of such size to allow complete reduction in this time interval; and
 - f. the burning must be controlled so that a traffic hazard as prohibited by Subsection E of this Section is not created;
7. fire purposely set as part of an organized program of drills for the training of fire fighting personnel or for testing fire fighting materials or equipment if the following conditions are met:
- a. the duration of the burning held to the minimum required for such purposes;
 - b. the burning is conducted only between the hours of 8 a.m. and 5 p.m.; and
 - c. the burning is controlled so that a traffic hazard as prohibited by Subsection E of this Section is not created;
8. outdoor burning of waste hydrocarbon products (from petroleum exploration, development or production operations, natural gas processing, such as, but not limited to, basic sediments, oil produced in testing an oil well, and paraffin) may be conducted at the site of origin when it is not practicable to transport the waste products for sale or reclamation, or to dispose of them lawfully in some other manner. In addition, hydrocarbons spilled or lost from pipeline breaks or other transport failure which cannot practicably be recovered or be disposed of lawfully in some other manner may be outdoor burned at the site where the spill occurred or at another appropriate place due to safety considerations. Except when the immediate or continuous burning of hydrocarbon spills is reasonable necessary to abate or eliminate an existing or imminent threat of injury to human life or significant damage to property, the outdoor burning shall be conducted under the following conditions:
- a. the location of the burning must not be within or adjacent to a city or town or in such proximity thereto that the ambient air of the city or town may be affected by smoke from the burning;
 - b. the burning is conducted only between the hours of 8 a.m. and 5 p.m.; and
 - c. the burning is controlled so that a traffic hazard as prohibited by Subsection E of this Section is not created; and
9. special situations approvable for exemption by the administrative authority prior to initiation of burning operation, as follow:
- a. outdoor burning of explosives, pyrophoric, or any other materials where there is no practicable or safe method of disposal;
 - b. experimental burning for purposes of data gathering and research; and
 - c. nonrecurring unusual circumstances or any condition not covered above.

- E. Traffic Hazards Prohibited. The emission of smoke, suspended particulate matter or uncombined water or any air contaminants or combinations thereof which passes onto or across a public road and creates a traffic hazard by *impairment of visibility*, as defined in LAC 33:III.111, or intensifies an existing traffic hazard condition is prohibited.
- F. Exclusive from Application of This Section. Outdoor burning pursuant to and in compliance with the terms of a variance granted by the administrative authority is excluded from the application of this Section.

(Ord. No. 1183, 12/27/76; as amended by Ord. No. 1845, 8/10/88; and, Ord. No. 2332, 7/12/95; Ord. No. 2771, 6/8/99; Ord. No. 2857, 3/13/00; Ord. No. 2886, 7/13/00; Ord. No. 3232, 12/17/03; Ord. No. 3391, 3/8/04; Ord. No. 4363, 08/12/08 rescinding Ord. No. 3391.)

SECTION 9:82. MANDATORY REQUIREMENTS FOR PARTICIPATION IN PARISH SOLID WASTE MANAGEMENT SYSTEM

A. It shall be unlawful for the owner of a residential unit or units in the Parish to have accumulations of solid waste removed and disposed of by any other means than the Parish or authorized agent of the Parish and for such service shall pay to the Parish, such uniform fees and charges as are set forth by the Parish.

B. It shall be unlawful for the owners of commercial establishments to dispose of accumulations of solid waste by any other means than the franchised and authorized collectors in the Parish and for such services shall pay to the collectors such fees and charges as are approved by the Parish or the owners of commercial establishment shall haul or dispose of accumulations of solid waste by means of their own vehicles in accord with applicable provisions of Chapter 9 of the Code of Ordinances of Lafourche Parish.

C. All new residential units shall tender solid wastes to the parish authorized agent or franchised and authorized collectors upon completion and occupancy by the first resident.

(Ord. No. 1183, 12/27/76; as amended by Ord. No. 1798, 12/9/87)

Comment -- Ordinance No. 1798 completely reworded the section. Among other things, it added the provision in Paragraph B providing that the owners of commercial establishments could haul and dispose of their waste in their own vehicles. That provision was not contained in Ordinance No. 1183.

SECTION 9:83. EXEMPTIONS FROM MANDATORY REQUIREMENTS FOR PARTICIPATION IN SOLID WASTE SYSTEM; METHOD OF OBTAINING EXEMPTIONS

A. Any residential unit or any commercial establishment in the Parish may be exempt from solid waste removal by the Parish if the Parish Solid Waste Officer finds that:

1. In the event a collector applies for exemption, it would not be economically feasible to provide collection service to the residential unit or the commercial establishment and that the owner of the residential unit or commercial establishment is now disposing of solid waste, as outlined in this Sub-Chapter.

2. In the event an owner applies for exemption, that the owner of a residential unit or commercial establishment is now disposing of the solid waste in a safe and sanitary manner as outlined in this Sub-Chapter.

B. *Method of Obtaining Exemptions.* Any owner of a residential unit or commercial establishment desiring exemption, may make application to the Parish Solid Waste Officer stating the reasons exemption from collection service is requested, outlining the method of transportation and disposal of solid waste proposed by the occupant of the premises, and accompanied by written approval of the Department. The Parish Solid Waste Officer, upon receipt of the foregoing information, shall investigate the application for exemption as to the nature of the vehicle in which solid waste is to be transported, the location and manner in which the ultimate disposition of the solid waste is to be accomplished, and if satisfactory to the Parish Solid Waste Officer, shall make a recommendation to the Parish for their final disposition. If the exemption is allowed, the Parish Solid Waste Officer shall have the right to revoke an exemption where, in the opinion of the Parish Solid Waste Officer, such exemption is in violation of this Sub-Chapter or not in the best interest of public health and safety of the Parish. Any person aggrieved by the parish solid waste officer's administrative actions may appeal to the Parish.

(Ord. No. 1183, 12/27/76)

SECTION 9:84. DISPOSITION OF GARBAGE, OFFAL, DEAD ANIMALS AND MANURE, REQUIREMENTS AND PROHIBITIONS

Garbage, offal, dead animals, and manure, or rubbish mixed with garbage, offal, dead animals, and manure, or any combination thereof, shall be disposed of by incineration, burial, sanitary landfill or other method approved by the Parish. Such materials shall not be disposed of by being placed in any natural or artificial body of water or on the watersheds of any surface public water supply; nor within one-half mile of any habitation or place of business where it may become a sanitary nuisance or menace to health through the breeding of flies and/or harboring rodents; nor shall such material be dumped on or upon highway, road or alley of this parish, or within one-half mile of such public highway, road or alley or other place except when said material has been rendered completely stable by a process approved by the parish. The responsibility for disposal of dead animals, etc., shall be carried out at the owner's expense. (Ord. No. 1183, 12/27/76)

SECTION 9:85. ENFORCEMENT OF ORDERS TO ABATE NOXIOUS ACCUMULATIONS; ABATEMENT BY PARISH; CHARGES AND COSTS

A. The fact that any place of abode or residential unit or place of business is occupied shall be prima facie evidence that solid waste is being produced and accumulated upon such premises.

B. Accumulation of solid waste at any residential unit or any commercial unit for more than five (5) days shall be prima facie evidence of a violation of this Sub-Chapter. The Parish Solid Waste Officer shall, upon finding occupation of a place or abode or any place of business not receiving collection service of solid waste, shall notify the person or persons committing the violation to remove or cause to remove same within twenty-four (24) hours. Such notice shall be issued by the Solid Waste Officer, agents or deputies by one (1) of the following means:

1. Certified U.S. Mail;
2. Hand Delivery; or
3. Posting of such notice in a conspicuous place on the residential unit or commercial establishment.

§ 9:85

C. If the violation of this Sub-chapter is not removed within the time prescribed in said notice, the Parish Solid Waste Officer, his agents or deputies, may: 1. Undertake required correctional procedures, including the removal of same, if necessary; the cost or expense of such removal or correctional procedures shall be paid by the person or persons committing, creating, keeping or maintaining such violations of the Sub-Chapter; and said cost and expense thus accruing shall be collected from the person or persons committing, creating, keeping or maintaining such violations of the Sub-Chapter, by action at law; or

2. Any non-payment of charges assessed will result in a special assessment against the property in accord with applicable provisions of the law until payment is made, after the following steps have been completed:

a. The Lafourche Parish Council's Solid Waste Officer or one of his agents will notify the delinquent customer either by certified mail, where garbage service was rendered, indicating:

i. The possibility of a special assessment against said property will be made within thirty (30) days time from date of mailing;

ii. The administrative procedure for challenging a disputed bill or complaint of service involves contacting the Solid Waste Officer or one (1) of his agents, between the hours of 9 a.m. and 4 p.m. Monday through Friday, who will either discuss the problem with the delinquent customer or direct him to the Parish Administrator who will be empowered to rectify the matter on behalf of the Council; and

iii. Administrative procedure for resolution of disputes pertaining to billing and/or service including investigation of every communicated protest by a designated management sanitation department officer, provision of a hearing before such an official, and an opportunity to stay for the termination of an appropriate bond which shall not exceed five (5) times the amount past due.

3. In the event that solid waste is being removed by the collector under orders of the Parish Solid Waste Officer, and such collections have been made for seven (7) days without payment of delinquent charges due the Parish, then such charges that have incurred because of collections ordered by the Parish Solid Waste Officer are unpaid, then said fees due the Parish shall constitute and hereby be imposed as a special assessment lien against the owners of real property from which the collection were made. Such charges or fees, until fully paid and discharged or barred by law, shall remain liens equivalent to ad valorem taxes ad superior in rank and dignity to all other liens, encumbrances and titles.

(Ord. No. 1138, 12/27/76; as amended by Ord. No. 1340, 1/22/81; Ord. No. 1488, 5/9/84; and Ord. No. 1798, 12/9/87)

Comment -- Amending Ordinance No. 1340 revised the enforcement provisions in Paragraph C. Ordinance No. 1488 made some minor and technical changes in Paragraph C. Ordinance No. 1798 rewrote the entire section.

SECTION 9:86. SOLID WASTE TRANSFER FACILITIES

A. No person shall operate a solid waste pick up transfer station or facility at any site with the Lafourche Parish Council Solid Waste Management Area unless a permit to operate has been issued pursuant to rules and regulations promulgated by the parish government and other agencies having competent jurisdiction.

B. No person shall establish, construct, operate, maintain or permit the use of a solid waste pick up or transfer facility within the Lafourche Parish Council Solid Waste Management Area without first obtaining from the Lafourche Parish Council and other agencies having competent jurisdiction a permit to establish, construct, and operate the site or facility pursuant to the rules and regulations promulgated by the Lafourche Parish Council, and other agencies having competent jurisdiction.

C. No permit shall be issued except upon compliance with applicable rules and regulations of the Lafourche Parish Council and other agencies having competent jurisdiction and upon submission of a formal application specifying:

1. Name, address, telephone number, and occupation of the applicant;
2. Summary of past experience in the field of storing and/or transporting of solid waste;
3. Copy of the permit application or necessary data submitted to the applicable state or federal agency having jurisdiction concerning the transferring of solid waste;
4. Location(s) with adequate maps, plats, section, township, range, latitude, longitude of each facility within the Solid Waste Management Area of the Lafourche Parish Council;
5. Provide a discussion of operation and maintenance of said facilities (including amount and types of waste to be handled);
6. Copy of the approved spill and counter measure plan as required by applicable state and federal regulations; and
7. Copy of all permits and authorizations received from the state and federal agencies having jurisdiction.

(Ord. No. 1798, 12/9/87)

Comment -- Section 9:86 previously provided criminal penalties for violations of the parish's solid waste disposal regulations. This section was repealed by Ordinance No. 1334 (November 12, 1980) based upon the recommendations of a special committee created by the Police Jury to update this codification.

SECTIONS 9:87 - 9:89. RESERVED

§ 9:99

SECTION 9:90. REPEALED

(Ord. No. 1184, 12/27/76; as amended by Ord. No. 1251, 1/10/79; Ord. No. 1258, 3/14/79; Ord. No. 1341, 1/22/81; Ord. No. 1550, 2/28/85; Ord. No. 2652, 8/11/98)

Comment -- The amending ordinances revised the fees. Ordinance No. 1245 also provided that the Lafourche Parish Water Works District No. 1 would collect the fees. Ordinance No. 1184 superseded Ordinance No. 1084 which levied a \$2.00 per month garbage fee in Garbage District No. 2. Ordinance No. 1550 added the provisions providing for the dump disposal charges. This section was repealed by Ord. No. 2652.

SECTION 9:91. FINDINGS AND PURPOSE, STORAGE AND/OR DISPOSAL OF HAZARDOUS WASTES IN WETLANDS, WATERWAYS AND NEAR RESIDENTIAL AREAS

A. The Lafourche Parish Council finds as follows:

1. The storage and/or disposal of hazardous waste in the wetlands and waterways of Lafourche Parish present a clear and present danger to the health, safety and welfare of Lafourche's residents and to the fragile environment of the Parish. Disposal of waste in such areas should be absolutely prohibited.

(Ord. No. 1798, 12/9/87)

SECTIONS 9:92 - 9:98. REPEALED

Comment: Ordinance No. 1870 of 2/23/89 established requirements for Waste Recycling and the collection of recyclable materials. These regulations were repealed by Ord. No. 2652 of 8/11/98.

ARTICLE III. LITTERING

SECTION 9:99. LITTERING PROHIBITED

A. No person shall dump, throw, or deposit any litter, refuse, trash, tin cans, bottles, garbage, leaves, or any other debris, putrescible or nonputrescible, upon his/her property belonging to any other person, or upon or in any public or private roads, on the right-of-way of any public or private highway, public roads, rights-of-way, ditches, drainage channels, surface or subsurface drainage artery, and branches, rivers or waterways, of any kind whatsoever, including, but not limited to, the levees and drainage ways of the Lafourche Parish drainage system or of any drainage district. The provisions of this article shall not include properly maintained composting containers.

B. (1) Any item including, but not limited to, mail addressed to a specific person or material containing a name and address which is found in the trash, garbage, refuse, or debris thrown or dumped or deposited as stated in subparagraph (a) above, shall be a prima facie presumption under this section that the violator thereof is the person or persons identified thereby and traceable thereto and same is admissible in evidence for that purpose; provided, however, that should such person or persons produce proper evidence or testimony that he, she or they have a contract with

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or can produce receipt from a commercial or other hauler indicating that payment was made thereto to haul the garbage, trash, refuse or litter, then the prima facie presumption herein established shall shift to said commercial or other hauler.

a. If the litter is disposed from a motor vehicle, boat, conveyance, except a bus or large passenger vehicle or a school bus, all as defined in La. R.S. 32:1 or its successor, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be an inference that the possessor committed the act of disposing.

C. Violations of the provisions of this chapter may be abated in the manner specified in Article X of this chapter, or by the issuance of a summons by a law enforcement office acting with adequate probable cause.

Sub-Chapter C

Nuisance Abatement

SECTION 9:100. LITTERING PROHIBITED

A. It shall be unlawful for any person to dump or throw any paper, trash, tin cans, bottles, garbage, leaves or any other debris of any kind whatsoever upon property belonging to any other person or upon or in any public roads, right-of-way, ditches, drainage, channels, branches, river or waterways, of any kind whatsoever, including, but not limited to, the levees and drainage ways of the Lafourche Parish Drainage System or any Drainage District.

B. It shall be unlawful for any person to dump, place or deposit, on the right-of-way of any public highway or public road, any trash, garbage, refuse of any kind, or other objects which might affect the health or enjoyment of the public.

C. Any item including, but not limited to, mail addressed to a specific person or material containing a name and address which is found in the trash, garbage, refuse, or debris unlawfully thrown or dumped or deposited as stated in paragraphs (A) and (B) above shall be a prima facie presumption under this section that the violator hereof is the person or persons identified thereby and traceable thereto and same is admissible in evidence for that purpose; provided, however, that should such person or persons produce proper evidence or testimony that he, she or they have a contract with or can produce receipt from a commercial or other hauler indicating that payment was made thereto to haul the garbage, trash, refuse, or litter, then the prima facie presumption herein established shall shift to said commercial or other hauler.

D. All fines collected for litter violations, pursuant to LA R.S. 30:2531 et seq., shall be paid to Lafourche Parish pursuant to LA R.S. 25:1112. The Lafourche Parish Council shall reimburse all parties proportionately for the time spent and expenses incurred pursuant to LA R.S. 13:2589(B).

The fines and penalties for violations thereof shall be as follows:

- 1) Upon the first conviction, a \$250.00 fine and sentenced to serve eight (8) hours of community service in a litter abatement work program as approved by the Courts.
- 2) Upon a second conviction, a \$500.00 fine and sentenced to serve sixteen (16) hours of community service in a litter abatement work program as approved by the Courts.
- 3) Upon a third or any subsequent convictions, a \$1,250.00 fine, his/her motor vehicle drivers license suspended for one (1) year, and sentenced to serve eight (80) hours of community service in a litter abatement work program as approved by the Courts, or all or any combination of all the penalties provided by this sub-paragraph.

(Ord. No. 2289, 3/8/95; Ord. No. 4073, 06/26/07)

SECTIONS 9:101 - 9:150. RESERVED

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Comment -- Ordinance No. 2289 (March 8, 1995) completely revised this Sub-Chapter dealing with grass, weeds and noxious accumulations. Previously, this Sub-Chapter incorporated the provisions of Ordinance No. 1380 (December 9, 1981), and before that, Ordinance No. 853, adopted February 12, 1952. The Council also adopted another ordinance revising this Sub-Chapter, Ordinance No. 1833 (June 8, 1988), but that ordinance was specifically repealed by Ordinance No. 1866. Ordinance No. 1866 also specifically repealed Ordinance No. 1380. Further amendments include Ord. Nos. 2076, 2126, and Ord. No. 2168, adopted 11/10/93)

State Law References -- Powers of parish governing authorities as to the cutting of grass and obnoxious weeds, R.S. 33:1236(21); storing or abandoning of trash, debris, junk, wrecked or used automobiles, etc., R.S. 33:1236(30); local control of abandoned automobiles, major appliances and other junk, R.S. 33:4876; weed cutting in municipalities of 2,000 to 400,000, R.S. 33:5062; junkyards and outdoor advertising near certain highways, R.S. 48:461 et seq.

Article II. Vegetation and Noxious Accumulations

SECTION 9:151. CLASSIFICATIONS OF PROPERTY DEFINED

A. The maintenance of all property within the unincorporated areas of the Parish regarding the removal of weeds, grass, trash, junk, or other offensive accumulation will fall under one (1) of the following classifications, as defined herein:

1. Agricultural property: Any tract of land devoted to the production for sale, in reasonable commercial quantities, of plants, fruits, vegetables, ornamental plants, and/or animals, or their products, useful to man; and agricultural land under contract with a state or federal agency restricting its use for agricultural production;
2. Commercial Property: Any tract of land primarily used for commercial/business purposes;
3. Industrial Property: Any tract of land primarily used for industrial purposes;
4. Residential Property: Any tract of land which has been subdivided into squares/lots, primarily for residential purposes. Residential property must be sub classified as wither undeveloped or developed;
 - a. Undeveloped residential property: Any subdivided tract of land, squares/lots, in which no improvements have been made. This property may contain large trees and bushes that would preclude regular maintenance and require the use of heavy equipment to clear.
 - b. Developed residential property: Any subdivided tract of land, squares/lots, on which improvements have been made. This property has been basically cleared. Regular maintenance can be performed with relative ease. Property may contain a number of small and large trees or structures.
5. Buffer Zone: Land adjacent to and within thirty feet (30') of a subdivision.

(Ord. No. 3895, 10/10/06)

SECTION 9:152. PROHIBITIONS

A. Developed Residential - No person, firm, or corporation owning or occupying any developed residential property located within the parish shall permit the growth of tall grass or allow the accumulation of trash, refuse, or junk upon the property or upon any sidewalk abutting the property.

B. Undeveloped Residential - Except as provided for herein, no person, firm, or corporation owning or occupying any undeveloped residential property within the parish, located within areas subdivided into square/lots shall permit the growth of tall grass and/or weeds within the buffer zone.

C. Undeveloped Residential - No person, firm, or corporation owning or occupying any undeveloped residential property, within the parish shall allow the accumulation of trash and junk upon the entirety of the property;

D. Industrial, Commercial & Agricultural - Except as provided for herein, no person, firm, or corporation owning or occupying any industrial, commercial or agricultural property within the parish shall permit the growth of tall grass and/or weeds within the initial thirty feet (30=) of property located around the entire perimeter of the property, measured from the property lines.

E. Industrial, Commercial & Agricultural - No person, firm, or corporation owning or occupying any industrial commercial or agricultural property, within the parish, shall allow the accumulation of trash and junk upon the entirety of the property.

F. Buffer Zone. No owner of any buffer zone property in the parish shall allow the accumulation of trash and junk or the growth of tall grass upon the property.

G. Exceptions: The provisions of this article shall not include the following:

1. Land area which is actively devoted to the production or cultivation, either for sale or owner/occupant use, or grass for the subsequent processing into hay; except where the land falls within a buffer zone;
2. Land which contains and is stocked by forest trees of any size and species for at least the previous three (3) years except where that land falls within a buffer zone; and
3. Land which is classified as wetlands;
4. Properly maintained composting containers.

(Ord. No. 3895, 10/10/06)

Article V. Junk and Trash in Public View

SECTION 9:153. JUNK AND TRASH IN PUBLIC VIEW

SECTION 9:153.1. PROHIBITION

A. No person, firm, or corporation shall accumulate, store, dispose or allow the accumulation, storage or disposal of junk, trash, garbage, or other offensive accumulation on his property directly adjacent or abutting a residential development or within view of any highway, street, road, alley, or other passageway within the parish.

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B. No junkyard shall be operated in such a manner so as to allow the accumulated junk in public view, which is either being stored or is being offered for sale, to be located adjacent or abutting a residential development or within view of any highway, street, road, alley or other passageway in the parish.

SECTION 9:153.2. REMEDIES

A. Any person, proprietary party or owner in violation of the provisions of this article shall be given ten (10) days to remove the junk and trash from public view or to build a fence, as defined in Section 9:8, or to provide screen planting to conceal the junk and trash from public view or the abutting residential development.

B. Violations of this article shall be abated in the manner specified in Article X of this chapter.

Article VI. Abandoned Sunken Vessels

SECTION 9:153.3. ABANDONMENT OF SUNKEN VESSELS CLASSIFIED AS A NUISANCE

The existence of an abandoned, sunken or partially sunken vessel shall be classified as a nuisance. No person shall abandon any sunken or partially sunken vessel, barge, watercraft or other floating structure in any waterway within the parish.

SECTION 9:153.4. ABANDONMENT DEFINED

As used in this article, a vessel, barge, watercraft or other floating structure shall be considered abandoned when it remains in a sunken or partially sunken state for more than sixty (60) days.

SECTION 9:153.5. REMEDY

Violations to this article shall be abated in the manner specified in Article X of this chapter.

SECTION 9:153.6. IMMEDIATE REMOVAL AUTHORIZED

Notwithstanding any provision of this chapter to the contrary, any sunken or partially sunken vessel, barge, watercraft, or other floating structure within the parish may be salvaged, seized, or moved immediately and without notice if the watercraft impedes drainage or interferes with the normal use of the waterway where it is located.

Article VII. Abandoned/Derelict Structures

SECTION 9:153.7. ABANDONED/DERELICT STRUCTURES DECLARED AS A NUISANCE

For the purpose of this chapter, the existence of an abandoned or derelict structure, as defined in section 9:8.1, is hereby declared a nuisance, and thereby interferes with the use or enjoyment of property, endangers personal health and safety, and is offensive to the senses.

SECTION 9:153.8. POLICY

The provisions of this article are established to protect the health, safety and welfare of the general public from the nuisance created by the existence of abandoned or derelict structures. This article does not intend to dictate aesthetic preferences and community standards, but provides minimum criteria for dealing with properties posing a nuisance to the parish. Abandoned and derelict structures are hereby regulated purely for their impact on the quality of life, safety, and welfare for the citizens of the parish.

SECTION 9:153.9. FINDINGS OF FACT AND PUPOSE

Abandoned or derelict buildings and structures pose a threat to life and property in the parish. Buildings, structures, and premises may become derelict by reason of damage by fire, the elements, age, or general deterioration. Abandoned or derelict buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein, as well as a point of congregation by vagrants and transients. A derelict building or premises littered with trash and debris may also serve as a place of rodent infestation, thereby creating a health menace to the parish. It is the purpose of this article to provide for the safety, health, protection, and general welfare of persons and property in the parish by requiring such unsafe buildings, structures and premises to be repaired or demolished and removed and the premises be made safe and secure.

SECTION 9:153.10. ABATEMENT

Upon its own consideration or upon the complaint of any person, the department shall make an on-site inspection of the property and compile a written report citing the specific findings and recommendations in regard to the repair or demolition and removal of the structure. The written report shall be accompanied by a photograph(s) of the structure taken on or near in time to the day and the time of the initial on-site inspection.

A. If the inspection reveals an imminent danger of collapse of the building or portion thereof or other immediate dangers to public health and safety, the parish president shall be so notified and the parish shall provide barricades or otherwise deny access to the premises by the owners and the public, and the parish attorney shall be requested to obtain a court order allowing the parish to remove the threatening structure immediately.

B. If the inspection reveals that the building or structure is unsafe and derelict, as defined in Section 9:8.1, but poses no imminent danger, the department shall issue the nuisance warning to the owner in the manner provided for in this article.

i. The nuisance warning and nuisance citation for the existence of an abandoned or derelict structure shall contain all applicable information, as specified in Article X (Administration and Enforcement), as well as the following:

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- a. A description of the structure
 - b. The lot, block, and name of the subdivision on which the violating structure is located;
 - c. A statement/listing of the particulars found in substantiation of the conditions which warrant the structure to be classified as an abandoned/derelict structure as defined in Section 9:8.1; and
 - d. An order outlining the specific manner in which the building and premises can be brought into compliance with the provisions of this chapter.
- C. Failure to comply with the nuisance warning shall result in the issuance of the nuisance citation and the implementation of enforcement provisions as contained in Article X of this chapter.

Article VIII. Junked, Abandoned, and Inoperative Vehicles

SECTION 9:153.11. NUISANCE DECLARED; PROHIBITIONS; EXCEPTIONS

- A. The presence of any junked, abandoned, and inoperative vehicle(s) on any public or private property occupied, unoccupied, improved or unimproved within the parish shall be deemed and is hereby declared a nuisance, as defined in section 9:8.1
- B. Prohibition on public property. Except as otherwise permitted herein, no person, firm, or corporation shall cause or maintain any junked, abandoned, and inoperative vehicle(s) on any public property for a period of over forty-eight (48) hours;
- C. Prohibition on private property. Except as otherwise permitted herein, no person, firm, or corporation shall cause or maintain any junked, abandoned, and inoperative vehicle(s) on any private property for a period of over seven (7) days.
- D. Exceptions. The provisions of this section shall not apply to the following:
 - 1. Any junked, abandoned, and inoperative vehicle which is completely enclosed within a building or yard in a manner that is not otherwise visible from the street or other public or private property;
 - 2. Any motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned drag racing strips or raceways;
 - 3. Any junked, abandoned, and inoperative vehicle stored in an appropriate storage place or depository maintained at a location where such storage place or depository is authorized/licensed and operating in conformity with the regulatory provisions and laws of the parish government;
 - 4. Any motor vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.

SECTION 9:153.12. DECLARED PUBLIC PROPERTY

The ownership of any abandoned or junked motor vehicle left on any public or private property within the parish, which shall remain on the street, vacant lot, or any unused portion of any occupied lot, neutral ground, or sidewalk within the parish, after unanswered notice in the form of a nuisance warning has been provided, shall be forfeited to the public. Such vehicle shall be considered public property and be removed to a place to be provided by council and held there until the seized vehicle shall have been disposed of in accordance with the provisions of La. R.S. 33:4876 or its successor.

SECTION 9:153.13. VIOLATIONS; ABATEMENT

Violations to this article shall be abated in the manner specified in Article X of this chapter.

SECTION 9:153.14. IMMEDIATE REMOVAL AUTHORIZED

Notwithstanding any provision of this chapter to the contrary, any junked, abandoned, and/or inoperative vehicle located on public property may be salvaged, seized, or moved immediately and without notice if the vehicle impedes traffic or interferes in any way the normal use of the public property where it is located.

SECTION 9:153.15. REMOVAL FROM PUBLIC AND PRIVATE PROPERTY BY OWNER

Public and private property owners, whether commercial or residential, have the power, as authorized by general law, to cause vehicles to be removed from their property illegally situated thereon.

Article X. Administration and Enforcement

SECTION 9:154.1. CIVIL OR CRIMINAL ENFORCEMENT OF NUISANCE VIOLATION

I. For purposes of this chapter, a nuisance violation is the violation of any provision of this chapter.

II. The civil regulations of the abatement of nuisances within the parish shall be governed by the provisions of this chapter.

III. The civil provisions of this chapter shall in no way be viewed as an abrogation of the criminal enforcement provisions for littering and other such nuisances as provided for under the State of Louisiana statutes, or in the ability of a law enforcement officer who in the course of his official duties witnesses as act in violation of the aforementioned statutes and issues a summons therefore.

IV. As an alternative to the civil enforcement provisions of this chapter, if any person, firm or corporation violates any provision of this chapter or by any means or actions prevents or attempts to prevent any employee of, or person authorized by the parish from carrying out the provision of this chapter, a report to that effect signed by the appropriate law enforcement agent acting with adequate probable cause and a summons shall be issued to the owner of the property. The

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summons shall command the owner to appear in the 17th Judicial Court in Thibodaux, Louisiana on the next scheduled arraignment date. Upon conviction he shall be deemed guilty of a misdemeanor and may be fined an amount not to exceed five hundred dollars (\$500.00) or imprisoned for a period not to exceed six (6) months or both in the discretion of the court.

(Ord. No. 3895, 10/10/06)

SECTION 9:154.2. POWERS RELATIVE TO NUISANCE ABATEMENT

The department of Coastal, Energy & Environment or any department duly authorized by the Lafourche Parish Administration shall be responsible for the implementation and subsequent administration of the provisions of this chapter.

Powers and duties. The department is hereby authorized and directed to administer the provisions of this chapter. In carrying out its administrative duties, the department shall:

I. Procedures. Establish and administer rules and regulations for proceedings within the department, together with the maintenance of regular forms for any such proceedings regarding the operations of the department, subject to review and approval of the parish president.

II. Record of actions. Maintain records of all actions taken by the department in the administration of the provisions of this chapter.

III. Nuisance adjudication hearings. To convene upon the violators request the nuisance hearing panel to consider and rule upon any defense or justification presented by violators; and to resist and to oppose any deviations from the provisions of this chapter, when necessary.

IV. Investigations and surveys. Conduct investigations and surveys to determine compliance or noncompliance with the provisions of this chapter. Incidental to such surveys and investigations, the department head or an authorized representative of the department may enter into and upon any land or structure to be inspected or examined.

V. Right of entry. Whenever it is necessary to make an inspection to administer any of the provisions of this chapter, the department head, or his duly authorized representative, may enter upon such property, at all reasonable times, to perform his duties. If such property is occupied, he shall first present proper credentials and request entry. If entry is refused, then the department head, or his duly authorized representative, shall have recourse to every remedy provided by law to secure entry onto the property or entrance into the structure.

VI. Enforcement. Issue written warnings, citations and orders requiring compliance with the provisions of this chapter.

(Ord. No. 3895, 10/10/06)

SECTION 9:154.3. NUISANCE WARNINGS; FORMS; REQUIRED CONTENTS; FORM OF SERVICE

I. The nuisance warning shall be the preliminary notice of a violation of this chapter.

II. A nuisance warning shall be served personally or by first class mail upon the person, firm, corporation, or proprietary party deemed by the department to be violating the provisions of this chapter; provided, however, that if such person, firm, or corporation is not the owner of the land

or the structure in which the violation is deemed to exist or to have occurred, a copy of the citation shall be sent by first class mail to the owner of such land or structure, with the owner to be determined from the tax roll for the preceding year in the office of the tax assessor of the parish. The date of mailing shall be deemed the date of service of any nuisance warning served by first class mail. If the occupant is not so served, or is not present, the nuisance citation shall be served upon the recorded owner of the property. If the registered, recorded or last known owner of the property deemed to be violation the provisions of this chapter cannot be located, notification shall consist of one (1) publication in the legal notice section of the official journal of the parish.

Adequate notice, in the case of nuisance warnings issued for the abatement of a junked, abandoned and inoperative vehicle located on public or private property, should also be served by notice affixed to a prominent place on the vehicle so as to be plainly in the public view.

III. The warning shall contain information concerning the nature, date, time, and location of the alleged violation; the corrective action to be taken to abate the nuisance; and, with the following exceptions, the time period not to exceed five (5) days in which the corrective action is to be completed. The warning shall also contain the telephone number and the address of the department.

Exceptions as to the content and time for compliance:

A. In the case of nuisance warnings issued for the abatement of abandoned/derelect structures the time period for compliance shall be a minimum of fifteen (15) days.

B. In the case of a nuisance warning issued for the abatement of a junked, abandoned, and inoperative vehicle located on public or private property, the warning shall contain the state vehicle license number, and the make of the vehicle. In those cases where the license plate is not visible or legible, the vehicle identification number, color, or any other identifying characteristics shall be so noted. The notice shall also note the total number of vehicles in violation. The time period for compliance of nuisance warnings issued for the abatement of a junked, abandoned, or inoperative vehicle located on public property shall be a minimum of ten (10) days. The time period for compliance of nuisance warnings issued for the abatement of a junked, abandoned, or inoperative vehicle located on private property shall be a minimum of ten (10) days.

C. In the case of nuisance warnings issued for the abatement of an abandoned sunken vessel, the registered owner or last known owner or any abandoned sunken or partially sunken vessel shall be notified by first class mail that the watercraft has been deemed abandoned and the watercraft shall be removed by the owner. If the registered owner or last known owner of the watercraft cannot be located, notification shall consist of one (1) publication in the legal notice section of the official journal of the parish, such notice to contain a description of the watercraft, the location of the watercraft, a statement that the watercraft has been deemed abandoned, a statement that the lawful owner thereof shall remove the watercraft within thirty (30) days.

IV. The warning shall also contain information advising the person that failure to abate the nuisance in accordance with the issued warning will result in the issuance of a written citation, and the assessment of fines incidental thereto.

Exceptions:

In the case of a nuisance warning issued for the removal of a junked, abandoned and inoperative vehicle located on public or private property the warning shall also contain information advising the owner that failure to remove the vehicle in accordance with the

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issued notice of warning will result in the vehicle being declared public property and disposed of by the parish in accordance with La. R.S. 33:4876 or its successor.

V. Twelve month rule. A nuisance warning shall only be issued to a person, firm, corporation or proprietary party deemed by the department to be violating a certain provision of this chapter once within a single calendar year. Should the same nuisance occur within the same calendar year involving the same violator, a nuisance citation will be issued with fines assessed.

(Ord. No. 3895, 10/10/06)

SECTION 9:154.4. NUISANCE CITATION FORM

I. The nuisance citation shall be the notice of violation for purposes of this chapter.

II. The citation shall contain information concerning the nature, date, time and location of the alleged violation; the corrective action to be taken to abate the nuisance, the fine assessed, and the time period in which the fine is to be paid and the corrective action is to be completed.

A. In the case of nuisance citations issued for the abatement of an abandoned sunken vessel, the registered owner or last known owner of any abandoned sunken or partially sunken vessel shall be notified personally or by certified mail that the watercraft has been deemed abandoned and that the watercraft shall be removed by the owner. If the registered owner or last known owner of the watercraft cannot be located, notification shall consist of one (1) publication in the legal notice section of the official journal of the parish. Notice of citation shall contain a description of the watercraft, the location of the watercraft, a statement that the watercraft has been deemed abandoned, a statement that the lawful owner thereof shall remove the watercraft within thirty (30) days and a statement that if the owner fails to remove the watercraft within thirty (30) days, the council shall remove the same under the terms of this chapter.

B. In the case of nuisance citations issued for the abatement of abandoned or derelict structures, the time period for compliance shall be a minimum of thirty (30) days.

C. In the case of nuisance citations issued for abatement of junked, abandoned, and inoperative vehicles and in accordance with the exception noted in the warning section above the citation takes the form of a notice that the vehicle has been removed with information on the location of said vehicle and the process and state laws that provide for fines, fees and the process for the return of the vehicle.

D. In the case of nuisance citations issued for any other violation of this chapter the time period in which corrective action is to be completed is not to exceed ten (10) days.

III. Excepting again the abatement of junked, abandoned and inoperative vehicles, the citation shall contain information advising the person charged that he/she may contest the citation by requesting either in person or in writing, within seventy-two (72) hours of service, a hearing before the nuisance hearing panel. The citation shall also provide that failure to appear for a requested hearing before the nuisance hearing panel may carry an additional penalty and shall be considered a prima facie admission of the violation set forth in the nuisance citation.

A. Condemnation proceeding. As provided for in La. R.S. 33:4762 (or its successor), in the case of nuisance citation issued for the removal or demolition of an abandoned/derelict structure, the citation shall contain information requiring the owner of the building or structure to show cause at a meeting of the parish council, regular or special, why the building or structure should not be condemned.

(Ord. No. 3895, 10/10/06)

SECTION 9:154.5. SERVICE OF NUISANCE CITATIONS

I. Except as provided for in subsection VI. and subsection VII. of this section, a nuisance citation shall be served personally or by certified or registered mail upon the person, firm, corporation, or proprietary party deemed by the department to be violating the provisions of this chapter; provided, however, that if such person, firm, corporation is not the owner of the land or the structure in which the violation is deemed to exist or to have occurred, a copy of the citation shall be sent by certified or registered mail to the owner of such land or structure, with the owner to be determined from the tax roll for the preceding year in the office of the tax assessor of the parish. The date of personal service or of receipt of mailing shall be deemed the date of service of any citation or order served by certified or registered mail or personally upon the occupant of the property who is present at the time of service. If the occupant is not so served, or is not present, the nuisance citation shall be served upon the recorded owner of the property.

II. The original nuisance citation shall bear the name or initials and identification number of the issuing officer, who shall affirm the truth of the facts set forth therein.

III. In the event that the nuisance citation is refused by either the occupant or owner of the property on which the nuisance is located, this fact shall be duly noted on the original and all copies of the citation.

IV. The original and all copies of a citation shall constitute a business record of the parish, and shall constitute prima facie evidence that the citation was issued and that an attempt at service thereof was made in accordance with the provisions of this chapter.

V. Notice to one (1) co-owner by any method shall be deemed to be notice to all other co-owners.

VI. Condemnation proceedings.

A. Service of notice of nuisance violations requiring the removal or demolition of an abandoned or derelict structure, shall be served at least ten (10) days prior to the date of the hearing before the parish council except in the case of grave public emergency as provided for in La. R.S. 33:4762 or its successor.

B. In addition to registered or certified mail, notice may also be served by any police or sheriff's deputy having jurisdiction and power to serve legal process where the owner of the building or structure is found in the State of Louisiana, and the officer shall make return of the service as in ordinary cases.

C. If the owner is absent from the state or unrepresented therein, then the notice shall be served upon the occupant of the condemned building or structure, if any, and also upon an attorney at law appointed by the parish president, subject to the approval of the council, to represent the absentee.

D. Any notice served pursuant to this section shall be filed with the recorder of mortgages where the property is located. Once filed, said notice shall be deemed notice to all subsequent transferees. Any transferee of such property takes the property subject to all recorded liens, mortgages, and notices thereunto pertaining.

VII. Absentee or unknown owners. Except as provided for in section 9:153.4 relative to abandoned sunken or partially sunken vessels, if the owner of the property is unknown and cannot be ascertained, or if attempts to serve notice of violation and citation by certified and registered mail or personal service have been unsuccessful, notice of the nature and location of the violation may be published on three (3) consecutive days in the official journal of the parish and such

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publication shall be deemed to be notice to the owner of the property upon which the violation is found to occur. Notice to one (1) co-owner by any method shall be deemed to be notice to all other co-owners.

(Ord. No. 3895, 10/10/06)

SECTION 9:154.6. UNCONTESTED DISPOSITION OF NUISANCE CITATIONS

Payment of the civil penalty/fine may be made either in person or by mailing to the agent designated by the parish, provided however, that such payment is made only by money order or check and made to the order of the parish. Payment of the civil penalty and verification by the department of the abatement of the nuisance violation shall operate as a final disposition of the case.

I. Failure to abate the nuisance violation in conjunction with the payment of the civil penalty will result in the payment being forfeited and the matter being continued. Conversely, abatement of the nuisance without payment of the civil penalty will result in the matter being continued.

II. If the owner fails or refuses to take action to correct the violation within the delays contained in the citation, parish crews or a parish contractor may enter the premises where the violation is occurring and remedy the violation.

III. If the parish or its contractor remedies the violation, the cost of furnishing parish labor and equipment, the amount charged by the contractor, and/or all other expenses incurred in determining the identity of the owner, serving, sending and providing notice and enforcing the provisions of this chapter shall be charged directly to the owner of the property.

IV. The failure of the owner to pay for the charges incurred within thirty (30) days after invoicing by the parish shall result in the filing of a certified copy of such charges with the recorder of mortgages and the same, when so filed and recorded, shall operate as a lien and privilege in favor of the parish against the property. The charges shall be added to the annual ad valorem tax bill of the property involved.

V. Legal proceedings to enforce the lien and collect the charges may be filed in a court of competent jurisdiction.

VI. Upon the collection of the charges, the funds shall be credited to the general fund of the parish government.

VII. Costs and penalties assessed as a result of any violation of this chapter shall also constitute a legal obligation of the person violating this chapter which may be collected by ordinary civil process pursuant to law.

(Ord. No. 3895, 10/10/06)

SECTION 9:154.7. DISPOSITION OF CITATIONS

The contested citation shall be processed in accordance with the provisions of this chapter, and such other procedures as may be established and promulgated by the nuisance hearing panel subject to the approval of the parish council.

SECTION 9:154.8. CREATION OF NUISANCE HEARING PANEL

I. There is hereby created and established within the Department of Coastal, Energy & Environment of the Parish of Lafourche, and administratively assisted by the director of the department, a nuisance hearing panel which shall have jurisdiction over contested violations of any civil regulations of nuisances, as provided for in this chapter. Pursuant to the provisions of the Lafourche Parish Home Rule Charter, the parish president, subject to approval by motion of the council, shall empanel the nuisance hearing panel to preside at hearings for the adjudication of contested nuisance violations of this chapter.

A. The nuisance hearing panel shall consist of the parish administrator or his/her designee; the directors or if not available representatives of the Department of Coastal, Energy & Environment and Public Works; and the council member from the district of the violation.

II. Functions, powers, and duties. The nuisance hearing panel shall serve the following functions, powers and duties:

a. To accept admissions to, and to hear and determine contests of nuisance violations under the provisions of this chapter;

b. To issue subpoenas to compel the attendance of a person to give testimony at hearings and to compel the production of relevant books, papers, and other things;

c. To adjudicate when requested nuisance violations for which a nuisance citation has been issued under this chapter.

d. To compile and maintain complete and accurate records relating to all citations, violations and/or dispositions of nuisance violations and citations; and, upon request, to prepare complete and accurate transcripts of all hearings conducted and to furnish such transcripts to the violator, at said violators expense.

e. To answer, within a reasonable period of time, all relevant and reasonable inquiries made by a person charged with a nuisance violation, or his/her attorney concerning the notice of violation served upon that person.

1. Failure by the nuisance hearing panel to comply with the provisions of this subsection or any part of the provisions of this subsection, within forty-five (45) days of such inquiry, forwarded to the nuisance hearing panel by certified or registered mail, return receipt requested, will result upon request of the person charged, in an automatic dismissal of all charges relating to and only to that notice of violation to which the inquiry was made.

f. To determine whether the contested nuisance should be removed, discarded, buffered, towed, immobilized, or any other method deemed appropriate in the abatement of the violation.

g. To assess the civil fines in the abatement of the nuisance violations and to assess and collect administrative costs and the costs incurred in the abatement of the nuisance violation.

(Ord. No. 3895, 10/10/06)

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SECTION 9:154.9. CITATION AS LEGAL DEMAND AND PRIMA FACIE EVIDENCE

The original nuisance citation or any true copy thereof shall constitute an ordinary business record of the parish, and prima facie evidence of the facts contained therein.

SECTION 9:154.10. RESPONSIBILITY OF OWNER AND OCCUPANT

The owner and the occupant of the land on which the nuisance is located, when not the same, shall be solidarily (solely) liable to the parish for the violation(s), unless the owner can prove the nuisance occurred without his consent, expressed or implied. An owner who pays any nuisance violation fines, abatement costs, or administrative fees pursuant to this chapter, shall have the right to recover the same from the occupant.

SECTION 9:154.11. ADJUDICATION BASED ON SUBMISSIONS

In cases where a person charged with a nuisance violation provides written good cause for not attending a hearing, either personally or through a representative, the nuisance hearing panel may adjudicate the matter on the same date and time based on the following submissions of the person charged with a nuisance:

A. Letters, memoranda, affidavits, photographs, or other documentary materials shall be admissible as evidence for the purposes of adjudications. The nuisance hearing panel may exclude from consideration any material which is not relevant to the adjudication of the alleged violation.

SECTION 9:154.12. HEARING FOR DISPOSITION OF CONTESTED NUISANCE CITATIONS

I. With the exception of condemnation proceedings, every hearing for the adjudication of a contested charge of nuisance violation under the authority of this chapter shall be held before the nuisance hearing panel.

II. The parish shall have the burden of proving the violation by a preponderance of the evidence; however, proof that a particular nuisance, described in the nuisance citation, was in violation of the provisions of this chapter, together with proof that the person was, at the time of the violation, either the owner of the property on which the nuisance was occurring or was the occupant of the property on which the nuisance was occurring shall constitute a prima facie presumption that the owner or occupant, whichever the case may be, was the party responsible for the violation. Proof as to the party responsible for the existence of the nuisance shall be as follows:

A. Said proof of ownership that the person was, at the time of the violation, the owner of the property on which the nuisance was occurring shall be in the form of a written statement from the assessor's office

B. In the case of the violation occurring on property on which the responsible party is an occupant of the property and not the owner of same, said proof shall be in the form of either the signature of the occupant on the citation, or a written statement from the owner of the property attesting to the fact that, as owner, the responsibility for occurrence of the violations was the occupant of the property.

C. The aforementioned proof shall constitute an ordinary business record of the parish.

(1) The duly authorized person who issued the citation shall not be required to appear at the hearing, unless the person charged with a violation herein has denied that the offense occurred; or the nuisance hearing panel determines that the authorized person's presence is required. The nuisance hearing panel may grant one (1) postponement, if the authorized person is unavailable at the time of the hearing.

(2) At the conclusion of the hearing, the nuisance hearing panel shall render a written decision within forty-eight (48) hours, either finding the person cited liable, ordering the abatement of the nuisance within a specified time period, and assessing the fine and administrative costs or a portion thereof; or declaring the violation unproven or invalid.

(3) Failure to comply. If the owner fails or refuses to take the corrective action ordered by the nuisance hearing panel within the time period specified, the nuisance hearing panel shall authorized parish crews or a parish contractor to enter the premises where the violation is occurring and remedy the violation.

(4) If the parish or its contractor remedies the violation, the fines, the cost of furnishing labor and equipment, the amount charged by the contractor, and all other expenses incurred in determining the identity of the owner, serving, sending and providing notice and enforcing the provisions of this chapter shall be charged directly to the violator.

(5) The failure of the owner to pay for the charges incurred within thirty (30) days after invoicing by the parish shall result in the filing of a certified copy of such charges with the recorder of mortgages and the same, when so filed and recorded, shall operate as a lien and privilege in favor of the parish against the property. The charges shall be added to the annual ad valorem tax bill of the property involved.

(6) Legal proceedings to enforce the lien and collect the charges may be filed in a court of competent jurisdiction.

(7) Costs and penalties assessed as a result of any violation of this chapter shall also constitute a legal obligation of the person violating this chapter which may be collected by ordinary civil process pursuant to law.

(8) Upon collection of the charges, the funds shall be credited to Special District #1 (currently Fund 126) of the parish government.

(Ord. No. 3895, 10/10/06)

SECTION 9:154.13. FAILURE TO APPEAR AT HEARING; CONSEQUENCE

Failure to appear at a hearing in person or by submission shall constitute an admission of liability of the nuisance violation and shall subject the person charged with the violation herein to the appropriate fines and abatement costs assessed by the nuisance hearing panel in the remedying of the violation. Failure to appear after requesting a hearing may carry an additional penalty to be determined by the nuisance hearing panel.

SECTION 9:154.14. SCHEDULE OF FINES; ADMINISTRATIVE AND ABATEMENT COSTS

The following rates for nuisance violation fines within the areas of Lafourche Parish under this chapter are as follows:

§ 9:154.14

- (1) For the first violation \$100.00
- (2) For a second violation within the same calendar year \$250.00
- (3) For a third and subsequent violations within the same calendar year \$500.00

I. Administrative Fees. A schedule of administrative fees shall be established by the nuisance hearing panel, subject to the approval of the chief administrative officer and with the concurrence of a majority of the parish council. Administrative fees shall include but not be limited to the costs associated in the investigation of property to determine if a nuisance is occurring, determining ownership, processing the notice and citation, serving, sending and providing notice to the owner, attendance at hearing(s), and any other administrative tasks required in the proper enforcement of the provisions of this chapter.

II. Abatement costs. Abatement costs are those direct costs incurred by either parish personnel or a parish contractor in the elimination and disposal of a nuisance. Abatement costs, when incurred, shall be assessed against the nuisance ordinance violator in the manner provided for herein.

(Ord. No. 3895, 10/10/06)

SECTION 9:154.15. JUDICIAL REVIEW

With the exception of condemnation proceedings, the written decision of the nuisance panel shall be the final decision by the parish. Any person or persons, aggrieved by any decision may file a petition for judicial review to the civil district court of the parish, within five (5) days after the date of entry of the decision. Absent an injunctive order or temporary restraining order from the reviewing court, enforcement of the decision of the nuisance hearing panel shall commence as specified by the nuisance hearing panel.

SECTION 9:154.16. METHOD OF NOTICE

Any notice permitted or required to be given by the nuisance hearing panel in the proper conduct of its business, as specified herein, shall be considered given when mailed by United States mail, postage prepaid, to the owner or occupant at the address appearing in the official property ownership records of the parish assessor=s office or the clerk of court of the parish. Notice to one (1) co-owner shall serve as notice to all other co-owners.

SECTION 9:154.17. DISPOSITION OF MONETARY PENALTIES

The monies collected pursuant to operations of the nuisance hearing panel shall be forwarded to the parish treasurer, who shall deposit same to the credit of the parish.

SECTION 9:155. RECORD OF CHARGES

The Parish shall maintain a record of all charges cross-indexed to the tax rolls, which 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 of the assessment.

(Ord. No. 2289, 3/8/95)

SECTION 9:156. AUTHORITY TO ENFORCE

A. If an owner of a particular piece of property is cited twice for a violation of this article, the Parish shall have the right to correct any violations of this article as set forth in Section 9:154, above and all charges incurred in correcting the violations shall be imposed, secured, and collected through a Justice of the Peace, Small Claims Court Hearing, as set forth in Section 9:154, above.

B. The Parish is empowered and authorized to enforce these provisions against the same lot, place or area within the Parish as often as violations may occur during a calendar year and nothing herein shall be construed so as to prevent the levying or assessment of costs for the removal of said tall grass and/or trash found growing, lying or located on private property for one (1) or more times during any calendar year.

(Ord. No. 2289, 3/8/95)

SECTION 9:157. IMMEDIATE DANGER OF HAZARD

Notwithstanding anything contained herein to the contrary, the parish may take immediate steps to remove any and all nuisances, as defined herein, located on or upon any property within the parish where there is presented to the parish evidence of the presence of immediate danger or hazard to health, safety and welfare of adjoining property, or to the citizens of the parish. All other provisions as contained in this article, not contrary to this section, shall be applicable, including levying of the fine and assessment of costs in such case.

SECTIONS 9:158 - 9:165. RESERVED

Article III. Junk and Trash in Public View

SECTION 9:166. PROHIBITION

No person shall accumulate, store or dispose or allow the accumulation, storage or disposal of junk and trash on his property within view of any major traffic artery with the Parish. (Ord. No. 2289, 3/8/95)

SECTION 9:167. REMEDIES

A. Upon its own motion or upon the written and signed complaint of any person, the Parish shall investigate and take pictures of said property for verification of validity.

B. The Department shall give written notification through certified mail return receipt to any person violating this article at his last known address or, if his address is unknown, by public notice in the Official Journal, of the violation. The notice shall give the address and description of the property upon which the violation is found and shall state that the person violating the article shall be given thirty (30) days to remove the junk and trash therefrom or to build a fence to conceal the junk and trash from public view.

§ 9:167

1. The Parish or a contractor under contract with the Parish may, at the Parish's option, remove and dispose of the junk and trash or erect a fence or screen planting to shield the junk and trash from public view. The cost of removing the junk and trash or erecting the fence or screen planting shall constitute a special lien on the property collectible in the same manner as special assessments are collectible by law. The cost shall also constitute a legal obligation of the person violating this article which may be collected by ordinary civil process pursuant to law.

2. The Parish or any person may seek injunctive relief from any court of competent jurisdiction to enjoin the person violating this article from continuing the violation and to require the person to comply with this article under penalty of contempt of court.

3. The Parish or any other person may institute a criminal proceeding in State District Court charging the alleged violation with a misdemeanor. Upon conviction, the person found to be in violation of this article shall be fined not more than five hundred dollars (\$500.00) or imprisoned in the parish jail for not more than thirty (30) days, or both, at the discretion of the court. Each day a violation is allowed to continue shall constitute a separate offense.

4. The Parish or any other person may seek a declaratory judgement in any court of competent jurisdiction for adjudication as to whether a violation of this article has occurred or is occurring.

(Ord. No. 2289, 3/8/95)

SECTION 9:168 - 9:175. RESERVED

Article IV – Justice of the Peace Jurisdiction

SECTION 9:176. JUSTICE OF THE PEACE JURISDICTION

A. A justice of the peace in Lafourche Parish shall have concurrent jurisdiction over the violations for removal, disposition or abandonment of objects, of a value not to exceed the civil jurisdictional limits of the justice of the peace court, that occur anywhere in the parish in which the court is situated, which are prohibited by R.S. 34:843 or any ordinance of a parish governing body that provides for the violation of any such ordinance may be in a justice of the peace court. In addition, a constable may issue summons and serve subpoenas for such violations occurring anywhere in the parish in which his court is situated. However, the penalty that may be imposed by a justice of the peace in connection with a removal, disposition, or abandonment violation prohibited by R.S. 34:843 shall be limited to the range of fines and penalties allowed by that Section.

B. Persons found liable in a justice of the peace court for a litter, removal, disposition, or abandonment violation pursuant to this Chapter shall have the right of direct appeal to the district court by trial de novo for the parish in which the justice of the peace court is situated. The appeal must be filed within ten days of the date of the judgment and notice of the appeal must be given within the ten-day period to the justice of the peace who adjudicated the matter, the district court to which the matter is being appealed, and the district attorney for the district in which the parish and justice of the peace court are located. The appeal from a decision of the district court shall be the same as provided by law for appeals of civil matters adjudicated by a district court. If the judgment is sustained on appeal, the defendant may be assessed additional court costs by the district court as authorized by law.

C. Prosecution of removal, disposition, or abandonment violations in justice of the peace courts:

1. The constable of the justice of the peace court or his deputy shall act as prosecutor when called upon to do so by the justice of the peace when the justice of the peace exercises his jurisdiction to adjudicate removal, disposition, or abandonment violations prohibited by R.S. 34:843.

2. In those cases where the constable has issued the citation or summons or has made the arrest or appears as a witness against the accused, the constable shall designate the deputy constable to prosecute the matter.

3. If there is no deputy constable, then the justice of the peace may appoint a special deputy constable to prosecute the case or may authorize a constable from another ward in the parish to prosecute the matter.

(Ord. No. 3195, 9/9/03)

[RESERVED]