* **ARTICLE I. - IN GENERAL**
* **Sec. 26-1. - Purpose and definition.**

The purpose of these articles is to define and prohibit conduct that constitutes a "nuisance." Conduct that is defined as a nuisance is expressly prohibited and shall constitute a misdemeanor punishable according to the penalties and provisions set forth in[section 26-9](https://library.municode.com/la/st._tammany_parish_/codes/code_of_ordinances?nodeId=PTICOOR_CH26NU_ARTIINGE_S26-9PE), which shall apply to all nuisances, unless a separate penalty is otherwise provided. In this regard, conduct that is a "nuisance" is hereby defined as any unlawful act or omission, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:

(1)

Injures or endangers the health, safety or well-being of others;

(2)

Essentially interferes with, obstructs or tends to obstruct or renders dangerous for passage any public or private street, highway, sidewalk, stream, ditch or drainage;

(3)

Injures, damages, threatens to damage or tends to depreciate the value of any public or private property;

(4)

Essentially interferes with the right of privacy within ones home or unreasonably interferes with the use of ones residential property, including sounds and noises as enumerated in[section 26-2](https://library.municode.com/la/st._tammany_parish_/codes/code_of_ordinances?nodeId=PTICOOR_CH26NU_ARTIINGE_S26-2ILEN)(5); or

(5)

Actually causes, or imminently threatens to cause, material and substantial disruption within the community or is an invasion of the rights of others, including sounds and noises as enumerated in[section 26-2](https://library.municode.com/la/st._tammany_parish_/codes/code_of_ordinances?nodeId=PTICOOR_CH26NU_ARTIINGE_S26-2ILEN)(6).

**Sec. 26-10. - Unhealthful materials, weeds, grass, debris.**

(a)

It shall be unlawful for the owner of any lot, place or area within all subdivisions, within 100 feet of all homes, business places or establishments and within 100 feet of the exterior right-of-way limits of all state highways and parish roads or streets in the parish, or the agent of such owner, to permit on such lot, place or area, or upon any sidewalk abutting same, any weeds, grass or deleterious, unhealthful growths over 15 inches in height, trash, debris, refuse, discarded or noxious matter, that may be growing, lying or located thereon.

(b)

That the parish government, or its duly authorized representative, is hereby authorized and empowered to notify, in writing, the owner of any lot, place of area within the parish, or the agent of such owner, to cut, destroy and/or remove any such weeds, grass or deleterious, unhealthful growths over 15 inches in height, trash, debris, refuse, discarded or noxious matter, found growing, lying or located on such owner's property, or upon the sidewalk abutting same; provided that such written notice shall be by certified mail, addressed to said owner, or agent of said owner, at his last known address.

(c)

That upon failure, neglect or refusal of any such owner, or agent of such owner, to cut, destroy and/or remove such weeds, grass or deleterious, unhealthful growths over 15 inches in height, trash, debris, refuse, discarded or noxious matter, growing, lying or located upon such owner's property, or upon the sidewalk abutting same, within 15 days after receipt of the written notice provided for in the preceding section, or within 15 days after the date of such notice, in the event the same is returned to the parish government by the U.S. Post Office because of its inability to make delivery thereof, provided the same was properly addressed to the last known address of such owner, or agent, the parish government, or its duly authorized representative, is hereby authorized and empowered to order by parish personnel or by contract to pay for the cutting, destroying and/or removal of such weeds, grass or deleterious, unhealthful growths over 15 inches in height, trash, debris, refuse, discarded or noxious matter.

(d)

That, whenever the parish government, or its duly authorized representative, has paid for the cutting, destroying and/or removing of such weeds, grass or deleterious, unhealthful growths over 15 inches in height, trash, debris, refuse, discarded or noxious matter, as set forth in the preceding section, the actual cost thereof, plus accrued interest at the rate of eight percent per annum from the date of the completion of said work, shall be charged to the owner of such property on the next regular tax bill forwarded to such owner by the sheriff and ex-officio tax collector for the parish, if not paid by such owner prior thereto, which said charge shall be due and payable by said owner at the time of payment of such tax bill.

(e)

That if the full amount due the parish is not paid by such owner within ten days after the cutting, destroying and/or removal of such weeds, grass or deleterious, unhealthful growths over 15 inches in height, trash, debris, refuse, discarded or noxious matter, as set forth in the two preceding sections; then, and in that case, the parish government, or its authorized representative, shall cause to be recorded in the mortgage office of the parish, a sworn statement showing the cost and expense incurred for the work and the date, place or property on which said work was done, and the recordation of such sworn statement shall constitute a lien and privilege on the property, and shall remain in full force and effect for the amount due in principal and interest, plus costs of court, if any, for collection, until final payment has been made; said costs and expenses shall be collected in the manner fixed by law for the collection of taxes, and, further, shall be subject to a delinquent penalty of ten percent in the event same is not paid in full on or before the date the tax bill upon which said charge appears becomes delinquent, sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and satisfactorily done, and shall be full notice to every person concerned that the amount of that statement, plus interest, constitutes a charge against the property designated or described in the statement and that the same is due and collectible as provided by law.

(f)

In addition to the above remedies, violations of the provisions of this chapter, or failure to comply with any of its requirements, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction therefore, be fined not less than $50.00 per day, and in addition, shall pay all cost and expenses involved in the case; however, the maximum aggregated fines are not to exceed $500.00. Each day such violation continues shall be considered as a separate offense all in accordance with[section 1-9](https://library.municode.com/la/st._tammany_parish_/codes/code_of_ordinances?nodeId=PTICOOR_CH1GEPR_S1-9GEPEVICOSEOF).

(g)

The director of permits and inspections, the director of parish development and all persons appointed as acting inspectors of the parish are empowered to serve a citation upon persons charged with violations of any provision contained in this section or to post a notice of violation at the place of violation.

(h)

As used in this section, the term "citation" means a written or printed notice served upon the person charged with a violation. Such citation shall include, but may not be limited to, the following information:

(1)

The name of the person creating the violation or the owner or person in charge of the premises at which the violation occurs;

(2)

The date and place of violation;

(3)

A short description of the violation followed by the number and section of the ordinance or code article provision violated;

(4)

The date and place at which the person shall appear and a notice that if the person does not respond to the citation a warrant shall be issued for such person's arrest; and

(5)

A notice that the person charged may be represented by counsel, that he may plead guilty or not guilty, and that he has a right to a court hearing.

(Code 1998, § 14-010.00; Ord. No. 04-0943, 8-5-2004)

**State Law reference—**Parish authority to compel grass cutting and removal of weeds, R.S. 33:1236(21).

* **ARTICLE II. - ABANDONED OR INOPERATIVE VEHICLES ON PUBLIC OR PRIVATE PROPERTY[2]**

***Footnotes:***

*--- (****2****) ---*

***State Law reference—****Abandoned motor vehicles generally, R.S. 32:471 et seq.; parish authority to regulate abandoned vehicles, R.S. 33:4876.*

* **Sec. 26-41. - Findings, declarations and authority.**

The regulations and provisions of this article shall not preclude, supersede or repeal any enforcement measures taken, or procedures and regulations adopted, in accordance with the authority granted under R.S. 32:473.1 and this Code,[section 24-29](https://library.municode.com/la/st._tammany_parish_/codes/code_of_ordinances?nodeId=PTICOOR_CH24MOVETR_ARTIIOP_S24-29PAOV48HO). The regulations contained within the sections of this article shall be considered as additional and/or supplemental regulations to those contained in[section 24-29](https://library.municode.com/la/st._tammany_parish_/codes/code_of_ordinances?nodeId=PTICOOR_CH24MOVETR_ARTIIOP_S24-29PAOV48HO).

(1)

*Findings and declarations.* In addition to and in accordance with the determination made and the authority granted to remove abandoned, inoperative, dismantled or wrecked vehicles as public nuisances, the parish council makes the following findings and declarations:

a.

The prolonged presence of abandoned, inoperative, dismantled or wrecked vehicles on public and/or private property are found to present a significant and immediate threat to public health and safety as well as to the environment, necessitating their expedient removal from public and private property. These threats include posing a safety hazard to children who might use the abandoned, inoperative, dismantled or wrecked vehicles as playgrounds; rusting automobiles representing a health hazard to those who may come into contact with them; and the damage that such vehicles and debris are sure to cause to the underlying property through the leakage of hazardous fluids into the surrounding ground or water. The environmental and health hazards of these vehicles have been noted by the state department of environmental quality (DEQ, Hurricane Katrina Debris Management Plan (DEQ 2005). The hazards from automobiles include gasoline and diesel fuel, refrigerants, lubricating oils, mercury ABS switches, mercury convenience switches, lead acid batteries, brake and transmission fluid, antifreeze and tires.

b.

The accumulation of abandoned, inoperative, dismantled or wrecked vehicles on public and/or private property are also found to create a condition tending to reduce the value of property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, and to be injurious to the health, safety and general welfare.

c.

Further, an abandoned, inoperative, dismantled or wrecked vehicle on public property, particularly on a street, shoulder, sidewalk, neutral ground or right-of-way constitutes a traffic hazard and imminent threat to public safety.

d.

Therefore, the presence of such abandoned, inoperative, dismantled or wrecked vehicles on public or private property, except as may be expressly hereinafter permitted, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this article.

(2)

*Authority.* This article is adopted pursuant to the authority set forth in R.S. 33:4876, 33:1236, 33:471 et seq., and all other applicable authority authorizing the governing authority of any parish to enact ordinances regulating or prohibiting abandoned motor vehicles on public property, left unattended for more than three days, and regulating or prohibiting the storing or abandoning of junk, wrecked or used automobiles or motor vehicles, or any part or parts thereof, on any vacant lot or any portion of any occupied lot within the parish, to provide for the removal and disposition thereof, to charge the vehicle owner or the property owner therefor, and to otherwise provide with respect thereto, and to provide enforcement and procedures with respect to damaged and inoperable motor vehicles on occupied private property.

(Code 1998, § 14-016.00)