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Chapter 14 - NUISANCE ABATEMENT^[1]

Footnotes:

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Editor's note—Ord. No. 6492, adopted Sept. 26, 2001, repealed Ch. 14, Arts. I—III, §§ 14-26—14-28, 14-71—14-74, and 14-91—14-95, in its entirety and enacted new provisions to read as herein set out. Prior to that amendment, Ch. 14, pertained to Junk and Abandoned Vehicles and derived from the City

Code 1965, §§ 22-44(a)—(c), 9-200—9-204; Parish Code 1979, §§ 13-31—13-33, 13-50—13-52; and Ord. No. 4563, adopted Oct. 10, 1990.

Cross reference— Garbage, trash, hazardous wastes and weeds, Ch. 11; health and sanitation, Ch. 13; licenses and miscellaneous business regulations, Ch. 16; motor vehicles and traffic, Ch. 18; offenses and miscellaneous law enforcement provisions, Ch. 19; abandonment or stockpiling of trailers, § 17-39; abandoned sunken vessels, § 22-296 et seq.

State Law reference— Abandoned vehicles, R.S. 32:471 et seq.; notification of owners and mortgage holders of illegally parked abandoned motor vehicles, R.S. 32:475; disposition of abandoned vehicles stored or in possession of dealer or repairman, R.S. 32:525; purchases of junk, R.S. 51:571 et seq.

ARTICLE I. - IN GENERAL

Sec. 14-1. - Parish nuisance abatement ~~regulations~~ordinances, how cited.

These ~~regulations~~ordinances shall be known, cited, and referred to as the "Nuisance Abatement Ordinance of Terrebonne Parish."

(Ord. No. 6492, 9-26-01)

Sec. 14-2. - Purpose.

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

- (1) To protect and provide for the public health, safety, and general welfare of the citizens of the parish;
- (2) To ensure a healthful living environment through the abatement of blight, 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
- (3) Eliminate conditions which are conducive to the harborage of rats, mice, snakes, and other vermin.

(Ord. No. 6492, 9-26-01)

Sec. 14-3. - Authority.

By authority of the ~~provisions~~ordinances set forth herein, adopted pursuant to the powers and jurisdiction vested through the Terrebonne Parish Home Rule Charter, The Louisiana Constitution and other applicable state statutes, laws, and ~~regulations~~ordinances, Terrebonne Parish does hereby exercise the power and authority to abate the existence of all nuisances, as defined in section 14-26, and throughout this chapter.

(Ord. No. 6492, 9-26-01)

Sec. 14-4. - Jurisdiction.

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

(Ord. No. 6492, 9-26-01)

Sec. 14-5. - Interpretation.

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

(Ord. No. 6492, 9-26-01)

Sec. 14-6. - Severability.

If any ~~part or provision of this chapter~~ordinance or any part thereof within 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.

(Ord. No. 6492, 9-26-01)

Sec. 14-7. - Saving provision.

These ~~provisions~~ordinances shall not be construed as abating any action now pending under, or by virtue of prior existing ~~provisions~~ordinances, 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~~ordinances, 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~~ordinances.

(Ord. No. 6492, 9-26-01)

~~Secs. 14-8 – 14-25. – Reserved.~~ Sec. 14-8. – Interpretation of Property Maintenance Code and other applicable ordinances.

The Property Maintenance Code adopted in Sec. 6-110 of the Code of Ordinances may also be enforced to address certain nuisance conditions. Where the Property Maintenance Code and the ordinances of this nuisance abatement chapter are simultaneously applied, whichever provision of the Code imposes greater restrictions on the subject matter than another more general provision imposed by the Code or other law, the provision imposing the greater restriction or regulation shall be deemed to be controlling. For purposes of compliance with this chapter, where the Property ~~property~~ Maintenance Code is referred to, the enforcement provisions of Article XI of this Nuisance Abatement Chapter shall apply in lieu of the remedies provided by the Property Maintenance Code.

In the interpretation and application of any of the ordinances in this Chapter, these ordinances are non-exclusive and shall be held to be the minimum requirements adopted for the

promotion of the public health, safety, comfort, convenience and general welfare. Where any other ordinance of the Code imposes greater or more beneficial restrictions upon the subject matter than another more general provision of this Chapter, the ordinance imposing the greater or more beneficial restriction or regulation shall be deemed to be controlling.

Secs. 14-98—14-25. - Reserved.

ARTICLE II. - DEFINITIONS

Sec. 14-26. - Words and terms defined.

- (a) 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:

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:

- (1) 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 "total 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 (2) the vehicle has been left unattended for at least forty-eight (48) consecutive hours on public property or 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.
- (2) The definition of abandoned/junked vehicle does not include any antique vehicle as defined in this section provided that the antique vehicle and its storage area are maintained in such a manner that they do not constitute a health, safety or fire hazard.

Antique vehicle. The term "antique vehicle" means any motor vehicle which is twenty-five (25) years old or older, has not been materially modified or altered from the original manufacturer's specifications, is being collected, preserved, restored, operated, or maintained by a hobbyist because of its historic interest, and is registered with the Louisiana Office of Motor Vehicles as an antique motor vehicle.

~~Blighted area means an area which by reason of the presence of a substantial number of slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, abandoned or sunken vessels or other marine debris in any waterway, submergence of lots by water or other insanitary or unsafe conditions, wind damage, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the parish, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use.~~

~~or Abandoned-~~

Blighted or Abandoned Property means commercial or residential property including lots, which are uninhabitable, are considered hazardous to persons or property because of their physical condition, vacant or not lawfully occupied (the terms "vacant" or "not lawfully occupied" shall include but shall not be limited to any property which is not actually occupied by its' owner, lessee or other invitee or if occupied, without utilities and which has been left unsecured or inadequately secured from unauthorized entry to the extent that the property could be entered and utilized by vagrants or other uninvited persons, as a place of harborage for stray animals, rodents, insects, and vermin infestation issues; a property with inadequate streets or access for emergency vehicles and utility and parish service vehicles; a property with conditions conducive to juvenile delinquency, loitering and crime which includes locations upon which drug selling and/or use, prostitution, crimes of violence and other offenses; a property with junked or obsolete vessels or other marine debris; property by which reason of dilapidation, deterioration, state of disrepair, has been condemned, or other such status is otherwise detrimental to or endangers the public safety, health or welfare.

~~Blighted property, or have been declared or certified blighted may include a property with stray animal, rodent, insect and vermin infestation issues; a property with inadequate streets or access for emergency vehicles and utility and parish service vehicles; a property conducive to juvenile delinquency, vagrancy, loitering and crime which includes locations upon which drug selling, prostitution, crimes of violence and other offenses which may constitute a public nuisance or may affect the quality of life are ongoing; a property with vessels or other marine debris on the property;~~

~~Abandoned Property. The term "abandoned property" means property that is vacant or not lawfully occupied. The terms "vacant" or "not lawfully occupied" shall include but shall not be limited to any property which are not actually occupied by its owner, lessee, or other invitee or if occupied, without utilities, and which has been left unsecured or inadequately secured from unauthorized entry to the extent that the property could be entered and utilized by vagrants or other uninvited persons as a place of harborage or any property which by reason of dilapidation, deterioration, state of disrepair, or other such status is otherwise detrimental to or endangers the public safety, health, or welfare and is hereby declared to be abandoned and to be a nuisance.~~

Buffer zone. As relates to tall grass, the 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. Unless expressly stated, Buffer Zone shall have no other applicability in Chapter 14.

Dead animals. See "Putrescible waste".

Department. The term "department" means the Department of Planning and Zoning of the Terrebonne Parish Consolidated Government designated by the parish president to administer the ~~provisions~~ ordinances of this article.

Dilapidated and dangerous structure. Any building, structure or portion thereof which has been deemed dangerous and dilapidated and endangers the public welfare due to the following nonexclusive factors: creates a hazard to life because inadequacies in the area of proper exits; lack of foundation and

structural integrity; poses as a fire hazard; is unsuitable for human habitation or use to which the structure was generally intended; is or may be becoming a place of rodent or insect infestation; is littered with trash and debris; or otherwise constitutes a hazard to health, welfare and safety because of inadequate maintenance, sanitation, obsolescence, or abandonment.

Dog and domestic animal noise. See "Excessive noises".

~~Dwelling means any building or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any yard, gardens, outhouses, docks, boat launches, and appurtenances belonging thereto or usually enjoyed therewith.~~

Excessive noises.

- (1) The term "excessive noises" as pertains to a private residence, means sound amplified by electrical or mechanical means or any combination thereof to the extent that it is heard outside of the residence in which the sound equipment is located.
- (2) The term "excessive noises" as pertains to any commercial structures, means sound produced by radio, television, loudspeakers, musical equipment or devices, within the interior or on the exterior of commercial buildings, which is audible at a distance of seven and one-half (7.5) meters (twenty-five (25) feet) or exceeds seventy (70) decibels in volume.
- (3) The term "excessive noises" as pertains to motor vehicles, means sound produced by radio, television, loudspeakers, musical equipment or devices, within the interior or on the exterior of motor vehicles, which is audible at a distance of seven and one-half meters (7.5) (twenty-five (25) feet) or exceeds seventy (70) decibels in volume.
- (4) The term "excessive noises" as pertains to dogs and domestic animals, means any noise that a dog or domestic animal in an individual's care, custody and control within a subdivision or within one hundred fifty (150) feet of any inhabited dwelling property makes continuously and / or intermittently ~~constantly~~ for a minimum of ten (10) ~~fifteen (15)~~ minutes and which occurs between the hours of 9:00 p.m. and 7:00 a.m.

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.

Junk. The term "junk" means any trash, refuse, garbage, debris, printed paper flyers, handbills, mobile homes, and/or trailers, rubbish, old or scrap rope, rags, batteries, paper, trash shopping carts, discarded refrigerators, freezers, stoves, and other major appliances; discarded mattresses, glass, wood, and tires; rubber, copper, brass, iron steel and other old or scrapped ferrous and nonferrous material; and, any other refuse, trash, or discarded material.

The term "junk" as relates to junked vessel means a vessel that is wrecked, dismantled, partially dismantled, ~~in-operative~~ inoperative, abandoned or discarded, the condition of the vessel being such that it is considered to be a total loss. The term "total loss" as relates to vessel shall be the same as the definition contained within the definition of junked vehicle ~~contained~~ within this Sec. 14-26; however, tailored to watercraft.

Junkyard. The term "junkyard" means a business established for the purpose of selling used or scrap automobiles, trucks, and/or trailers; 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.

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. Litter shall also be defined to include signs, notices and structures including but not limited to political campaign signs posted, erected or displayed on any surface, pole or stanchion within public rights-of-way of all state

and parish roads, highways and streets or on property owned by Terrebonne Parish Consolidated Government.

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 or land premises, in other than appropriate storage containers and properly maintained composting containers. Littering shall also be defined to include the posting, erecting or displaying of signs, notices and structures including but not limited to political campaign signs or on property owned by Terrebonne Parish Consolidated Government or within public rights-of-way of all state and parish roads, highways and streets.

Maintenance of a nuisance. The term "maintenance of a nuisance" means to conduct, carry on, keep or permit to exist on one's ~~premises~~ property any prohibited activity, condition or nuisance, as defined herein. Failure to abate a nuisance or prohibited activity or condition shall be considered as maintenance of a nuisance.

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.

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, campers, and trailers. The term shall not include vehicles moved by human power or used exclusively upon stationary rails or tracks.

Nonputrescible waste. The term "nonputrescible waste" means waste that is not likely to spoil, decompose or putrefy and become offensive.

Nuisance. The term "nuisance" means any activity, condition, or use of a ~~premises~~ property 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 other property in the vicinity or neighborhood in which such ~~premises~~ property 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 including condemned and blighted property.

~~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 property assessment roll for Terrebonne Parish.~~

Parish. The term "parish" means the Parish of Terrebonne, or any authorized agent of the Parish of Terrebonne.

~~Premises. The term "premises" means any building, structure, property, watercraft or movable owned or occupied by any proprietary party or representative thereof.~~

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

Property. The term "property" means any lot, tract or parcel of land, or any portion of ground or other immovable property together with all attachments and improvements and movable thereon, whether occupied or vacant, which is situated within the parish and owned by a person, a corporation, a proprietary party or a legal entity; any building, structure, property, watercraft or movable owned or occupied by any proprietary party or representative thereof. Property refers to singular properties as well as multiple properties.

Proprietary party. The term "proprietary party" means an owner, a corporation, a legal entity, lessor, lessee, sublessee, tenant or occupant of any ~~premises~~ property. A "proprietary party" means a natural and/or juridical person(s).

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

Putrescible waste. The term "putrescible waste" means all waste which contains organic matter, including dead animals, capable of being decomposed by micro-organisms 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).

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.

Representative. The term "representative" means an officer, agent, employee or other representative of a proprietary party.

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.

Slum conditions means there exists within the parish [dwellingproperty](#)s which are unfit for human habitation due to dilapidation; defects increasing the hazards of fires, accidents, or other calamities; lack of ventilation, light, or sanitary facilities, or other conditions rendering the [dwellingproperty](#)s unsafe and unsanitary and dangerous or detrimental to health, safety, or morals, or that there are [dwellingproperty](#)s therein which are otherwise inimical to the welfare of its residents. The parish may exercise its police powers to remedy or eliminate those conditions.

Subdivision means any tract of land which has been dedicated, accepted, and subdivided into lots, primarily for residential or commercial purposes.

~~Sunken vessel.~~ [Vessel.](#) The term "~~sunken~~ vessel" is any tug, towboat, barge, watercraft, ship vessel, equipment, machinery, or any object of any kind or description, whether foreign or domestic, in a sunken or partially sunken state; [the term "vessel" is also a junk vessel on property.](#)

Tall grass. The term "tall grass" means grass or weeds and other vegetation more than twelve (12) inches 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.

Trash. See "Junk".

(Ord. No. 6492, 9-26-01; Ord. No. 6959, § II, 2-9-05; Ord. No. 7534, §§ 1, 2, 9-17-08; Ord. No. 7658, § 1, 6-24-09; Ord. No. 7735, § I, 10-28-09; Ord. No. 7814, § II, 5-12-10; Ord. No. 8126, § 1, 5-23-12)

State Law reference— "Junk, wrecked or used automobiles or motor vehicles" defined, R.S. 33:4876(B); definitions relating to the control of junkyards and outdoor advertising near certain highways, R.S. 48:461.1; "junk" defined, R.S. 51:571.

Sec. 14-27. - Council's right to approve plan or project.

Notwithstanding any other [provisionsordinances](#) of this chapter, whenever the council has certified that an area is in need of redevelopment or rehabilitation as a result of an act of God, fire, bombing, riot, storm event or other catastrophe, the council may approve a community improvement plan or project with respect to such area without regard to the [provisionsordinances or of](#) the definitions above in section 14-26.

(Ord. No. 7814, § III, 5-12-10)

Secs. 14-28—14-45. - Reserved.

ARTICLE III. - LITTERING

Sec. 14-46. - 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, 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 Terrebonne Parish drainage system or of any drainage district. The ~~provisions~~ordinances 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 subsection (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 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.
- (2) If the litter is disposed from a motor vehicle, boat, or conveyance, except a bus or large passenger vehicle or a school bus, all as defined in R.S. 32:1, 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.
- (3) a. The ~~owner~~proprietary party or benefiting party of any sign, notice or structure including but not limited to political campaign signs posted, erected or displayed on property owned by Terrebonne Parish Consolidated Government or within public rights-of-way shall be presumed to be the violator of this provision, however, should such ~~owner~~proprietary party or benefiting party produce proper evidence or testimony that he has a contract with or can produce receipt from a third party employed to post, erect or display such signs which contract of receipt contains an express provision forbidding installation on the property of Terrebonne Parish Consolidated Government or on public rights-of-way, then the prima facie presumption herein established shall shift to said third party. All signs, notices or structures which constitute litter in accordance with this chapter shall be removed by parish officials and placed in storage.
- b. In the case of a nuisance warning for a sign, notice or structure which constitutes litter in accordance with this chapter, the warning notice shall state that the sign, notice or structure may be retrieved from the department within thirty (30) days of the date of service of the nuisance warning. In the case of nuisance citations issued for any sign, notice or structure which constitutes litter in accordance with this chapter, the citation, in addition to assessing a penalty and any fees and costs as set out in article ~~X~~XI of this chapter, shall contain information advising the violator that he may retrieve the sign upon payment of the penalty or by ruling of the nuisance abatement panel. In no case shall the department be obligated to store the litter beyond the thirty (30) days allowed for payment of penalties.

- (c) Violations to the ~~provisions~~ordinances of this chapter may be remedied ~~abated~~ in the manner specified in article ~~XXI~~ of this chapter, or by the issuance of a summons by a law enforcement officer acting with adequate probable cause.

(Ord. No. 6492, 9-26-01; Ord. No. 6959, § III, 2-9-05)

Secs. 14-47—14-65. - Reserved.

ARTICLE IV. - VEGETATION, TRASH, AND JUNK

Sec. 14-66. - Classifications of property.

- (a) The maintenance of all property within the parish regarding the removal of weeds, grass, trash, refuse, 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, flowers, 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 subclassified as either undeveloped or developed;
 - a. Developed residential property: Any residential property which has been approved as a residential subdivision by the Houma-Terrebonne Regional Planning Commission and/or any subdivided tract of land which is part of a residential subdivision as depicted on a plat of survey properly registered in the conveyance records of the Parish of Terrebonne.
 - b. Undeveloped residential property: Any residential property which is not classified as developed residential property.
- ~~(5) Buffer zone: Any land adjacent to and within thirty (30) feet of a subdivision and all lands within one hundred fifty (150) feet of any inhabited structure.~~

(Ord. No. 6492, 9-26-01; Ord. No. 8126, § 2, 5-23-12)

Sec. 14-67. - Prohibitions.

- (a) 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) 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 squares/lots shall permit the growth of tall grass and/or weeds within the buffer zone.
- (1) 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.

- (c) 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.
 - (1) 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.
 - ~~(d) Buffer zone. No owner proprietary party 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.~~
 - (e) Railroad rights-of-way. No ~~owner proprietary party~~ or agent of any railroad right-of-way within the limits of the parish shall permit the growth of tall grass and weeds upon such property, or to permit deleterious or unhealthful accumulations or trash, debris, refuse, or discarded or offensive matter upon such property.
 - (f) Exceptions. The ~~provisions~~ ordinances of this article shall not apply to the following:
 - (1) Land area which is actively devoted to the production or cultivation, either for sale or owner/occupant use, of grass for the subsequent processing into hay; except where that land falls within a buffer zone and except where that land is classified as developed residential property;
 - (2) To 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) To land which is classified as wetlands.
 - (4) To properly maintained composting containers.
 - (g) Violations to this article shall be abated in the manner specified in article ~~XI~~ of this chapter.
- (Ord. No. 6492, 9-26-01; Ord. No. 8126, § 3, 5-23-12)

[Sec. 14-68 There is a buffer zone solely as relates to tall grass as defined in section 14-26.](#)

State Law reference— Abandoning or discarding ice boxes or other airtight containers, R.S. 14:324; junkyards prohibited near certain highways, R.S. 48:461.9.

Secs. 14-~~67~~⁶⁸—14-95. - Reserved.

ARTICLE V. - JUNK AND TRASH IN PUBLIC VIEW

Sec. 14-96. - 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.
- (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 the view of any highway, street, road, alley or other passageway in the parish.

(Ord. No. 6492, 9-26-01)

Sec. 14-97. - Remedies.

- (a) Any person, ~~proprietary party~~ or ~~owner~~ proprietary party in violation of the ~~provisions~~ ordinances of this article shall be given five (5) days to remove the junk and trash from public view.
- (b) Violations of this article shall be ~~remedied~~ abated in the manner specified in article ~~XXI~~ of this chapter.

(Ord. No. 6492, 9-26-01; Ord. No. 7658, § 2, 6-24-09)

Sec. 14-98—14-124. - Reserved.

ARTICLE VI. - ~~SUNKEN~~-VESSELS^[2]

Footnotes:

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Editor's note—Section 4 of Ord. No. 8126, adopted May 23, 2012, renamed Art. VI, Abandoned Sunken Vessels, to read as herein set out.

Sec. 14-125. - ~~Vessel~~ Sunken-vessels posing immediate danger classified a nuisance.

The existence of a ~~sunken~~-vessel which poses an immediate danger to life or property shall be classified as a nuisance. No person shall keep a ~~sunken~~-vessel in such a state as to create an immediate danger to life or property. Any ~~object~~-vessel within one hundred (100) feet of a drainage pump discharge station is presumed to be an immediate danger to life or property.

(Ord. No. 8126, § 5, 5-23-12)

Sec. 14-126. - Abandonment of ~~sunken~~-vessels classified a nuisance.

The existence of an abandoned ~~sunken~~-vessel shall be classified as a nuisance. No person shall abandon any ~~sunken~~-vessel in any waterway within the parish.

(Ord. No. 6492, 9-26-01; Ord. No. 8126, § 6, 5-23-12)

Sec. 14-127. - Abandonment in water defined.

A vessel in water will be presumed abandoned it remains in a sunken or partially sunken state for more than sixty (60) days.

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

(Ord. No. 6492, 9-26-01; Ord. No. 8126, § 7, 5-23-12)

Sec. 14-128. - Remedy.

(a) The sole remedy to remove vessels in waterways is the adoption of state laws more particularly LARS 34:843. The parish hereby adopts ~~the provisions of~~ R.S. 34:843, as may be amended, for the purposes of notifying violators of this article and removing from Terrebonne Parish waterways any abandoned junked, sunken ~~sunken~~-vessel or any ~~sunken~~-vessel posing an immediate danger to life or property. Any notices mailed or published in accordance with R.S. 34:843 shall constitute a nuisance warning for the purposes of section 14-~~304~~ 208 of this chapter. Removal and disposal of the vessel shall be at the owner's cost in accordance with R.S. 34:843, as may be amended.

(b) For all other vessels not regulated by LARS 34:843, the remedy set forth below in (c) applies .

(c) _____ Failure to comply with the nuisance warning shall result in any or all of the following:

- (1) Further abatement of the violation in the manner specified in article ~~XXI~~ of this chapter;
- (2) Referral of the violation to the proper law enforcement authorities for criminal investigation and prosecution;
- ~~(3) Removal and disposal of the sunken vessel at the owner's cost in accordance with R.S. 34:843, as may be amended.~~

(Ord. No. 6492, 9-26-01; Ord. No. 8126, § 8, 5-23-12)

~~Sec. 14-129. - Authority to remove sunken vessel by governing authority.~~

~~The director of planning and zoning or his designee is hereby authorized to carry out any and all acts necessary for the removal of any sunken vessel in accordance with R.S. 34:843, as may be amended.~~

~~(Ord. No. 6492, 9-26-01; Ord. No. 8126, § 9, 5-23-12)~~

Sec. 14-~~130~~129. - Immediate removal authorized.

Notwithstanding any provision of this chapter to the contrary, any ~~sunken~~-vessel located within any waterway in the parish may be salvaged, seized, or moved immediately and without notice if it impedes drainage or interferes with the normal use of the waterway where it is located and/or creates an immediate danger to life or property.

(Ord. No. 8126, § 10, 5-23-12)

Secs. 14-~~130~~131—14-155. - Reserved.

ARTICLE VII. ~~- CONDEMNATIONS DILAPIDATED AND DANGEROUS STRUCTURES~~^[3]

Footnotes:

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Editor's note—Section 11 of Ord. No. 8126, adopted May 23, 2012, renamed Art. VII, Abandoned/Derelict Structures, to read as herein set out.

Sec. 14-156. - Dilapidated and dangerous structures declared a nuisance.

For the purpose of this chapter, the existence of a dilapidated and dangerous structure, as defined in section 14-26, is hereby declared a nuisance; ~~and~~ thereby interferes with use or enjoyment of property; ~~endangers~~ personal health, safety, and welfare; ~~and~~ is offensive to the senses and is subject to condemnation.

(Ord. No. 6492, 9-26-01; Ord. No. 7735, § II, 10-28-09)

Sec. 14-157. - Policy.

The ~~provisions~~ ordinances of this article are established to protect the health, safety and welfare of the general public from the nuisance created by the existence of dilapidated and dangerous 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. Dilapidated and dangerous structures are hereby regulated purely for their impact on the quality of life, safety, and welfare for the citizens of the parish. Dilapidated and dangerous structures may be condemned and ultimately demolished or removed if they are determined to be in a condition which endangers the public welfare.

(Ord. No. 6492, 9-26-01; Ord. No. 7735, § III, 10-28-09)

Sec. 14-158. - Findings of fact and purpose.

Dilapidated and dangerous buildings and structures pose a threat to life and property in the parish. Buildings, structures, and ~~premises~~ property may become dilapidated and dangerous by reason of damage by fire, the elements, age, or general deterioration. Dilapidated and dangerous 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 dilapidated and dangerous building or ~~premises~~ property 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~~ property to be repaired or demolished and removed and the ~~premises~~ property be made safe and secure.

(Ord. No. 6492, 9-26-01; Ord. No. 7735, § IV, 10-28-09)

Sec. 14-159. - ~~Abatement~~ Remedy.

- (a) Inspection. 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.
 - (1) If the inspection reveals a grave public emergency where the condition of the building is such as to cause possible immediate loss or damage to person or property, applicable sections of R.S. 33:4762 et seq., as may be amended, shall apply and the Parish Council may condemn the structure after twenty-four (24) hours' notice as provided by law.

- (2) If the inspection reveals that the building or structure is dilapidated and dangerous, as defined in section 14-26, but poses no grave public emergency, the department shall issue the nuisance warning to the ~~owner~~ proprietary party in the manner provided for in this article.
- (b) Nuisance warning. The nuisance warning for the existence of a dilapidated or dangerous structure shall contain all applicable information, as specified in article ~~XI~~, as well as the following:
- (1) A description of the structure;
 - (2) The lot, block, and name of the subdivision on which the violating structure is located;
 - (3) A statement/listing of the particulars found in substantiation of the conditions which warrant the structure to be classified as a dilapidated/dangerous structure as defined in section 14-26; and
 - (4) An order outlining the specific manner in which the building and ~~premises~~ property can be brought into compliance with the ~~provisions~~ ordinances of this chapter.
- (c) ~~Failure to comply.~~ Administration, Remedies, Enforcement. Failure to comply with the nuisance warning shall result in the institution of condemnation proceedings in accordance with R.S. 33:4761 et seq., as may be amended. The enforcement provisions of Article XI do not apply to condemnations.

Sec. 14-160.

Condemned property is declared blighted and the redemption period in Section 14-172 is adopted for such condemned property.

(Ord. No. 7735, § V, 10-28-09; Ord. No. 8126, § 12, 5-23-12)

Secs. 14-~~161~~160—14-~~185~~169. - Reserved.

ARTICLE VIII- BLIGHTED OR ABANDONED PROPERTY

Sec. 14-170~~160~~. Blighted or Abandoned Property purpose and declaration as a nuisance

Blighted property or abandoned property as defined in Section 14-26 is hereby declared to be a nuisance. 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 the blighted or abandoned conditions to be addressed, removed and the property or area made safe, healthy and secure.

Sec. 14-171~~161~~. Violations; Remedies ~~Abatement~~.

Violations of this article shall be remedied ~~abated~~ in the manner specified in article XI of this Chapter.

Sec. 14-172. Redemption Period.

In accordance with Louisiana Constitution Article VII, Section 25(B), property declared to be blighted or abandoned pursuant to that article shall, where the property is sold at tax sale, be subjected to a redemption period of eighteen months rather than three years.

[Secs. 14-173-14-185- Reserved.](#)

ARTICLE ~~IX VIII~~ -- JUNKED, ABANDONED, AND INOPERATIVE VEHICLES⁴¹

Footnotes:

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State Law reference— Abandoned vehicles, R.S. 32:471 et seq.; disposition of abandoned vehicles stored or in possession of dealer or repairman, R.S. 32:525; powers of municipal and parish authorities as to abandoned automobiles, major appliances and other junk, R.S. 33:4876; junkyards and outdoor advertising near certain highways, R.S. 48:461 et seq.; purchases of junk, R.S. 51:571 et seq.

Sec. 14-186. - 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 14-26.
- (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~~[ordinances](#) 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 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~~[ordinances](#) 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.
 - (5) Any antique vehicle as defined in section 14-26 of this chapter, provided that the antique vehicle and its storage area are maintained in such a manner that they do not constitute a health, safety or fire hazard.

(Ord. No. 6492, 9-26-01; Ord. No. 7534, § 3, 9-17-08)

Sec. 14-187. - 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~~ R.S. 33:4876.

(Ord. No. 6492, 9-26-01)

State Law reference— Power of parish governing authorities to enact ordinances regulating the storing or abandoning of motor vehicles, R.S. 33:1236(30)(a)(i); power of municipal and parish governing authorities to enact ordinances regulating or prohibiting the abandonment of motor vehicles on the streets, etc., R.S. 33:4876; similar ~~provisions~~ordinances, R.S. 33:4876(B).

Sec. 14-188. - Violations; abatement.

Violations to this article shall be remedied ~~abated~~ in the manner specified in article ~~X~~XI of this chapter.

(Ord. No. 6492, 9-26-01)

Sec. 14-189. - 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.

(Ord. No. 6492, 9-26-01)

State Law reference— "Abandoned motor vehicle" defined, R.S. 32:471(1); "junk, wrecked or used automobiles or motor vehicles" defined, R.S. 33:4876(B).

Sec. 14-190. - 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.

State Law reference— Local authority to take possession of abandoned motor vehicles, R.S. 32:474; towing away and selling derelict or junk vehicles, parish ordinance need not follow statutory procedure, R.S. 32:476(C); disposition of abandoned motor vehicles removed from streets and highways, R.S. 32:476; removal and disposition of junk motor vehicles, major appliances, etc., R.S. 33:4876.

Secs. 14-191—14-199. - Reserved.

ARTICLE ~~X~~. - EXCESSIVE NOISES

Sec. 14-200. - Excessive noises declared a nuisance.

For the purpose of this chapter, excessive noises, as defined in section 14-26, are hereby declared a nuisance.

(Ord. No. 6492, 9-26-01)

Sec. 14-201. - ~~Abatement.~~Administration , Remedies, and Enforcement

As pertains to excessive noises, the remedy for violations of this article shall be ~~abated~~ in the manner specified in article ~~XI~~ of this chapter.

Sec. 14-202. - Exceptions.

The ~~provisions~~ordinances of this section do not apply to the following:

- (a) (1) The use of a horn, alarm, or other warning device which has as its purpose the signaling of unsafe or dangerous situations or to summon the assistance of law enforcement when used for such purpose.
- (2) The use of carillon or bell emanating from or on a building or property used primarily as a church, synagogue, or school.
- (3) Any person who has a valid permit authorizing an activity which is likely to produce loud or excessive sound or noise, including an outdoor concert.
- (b) The department of planning and zoning is authorized to issue permits for the use of amplifying equipment or devices in accordance with this section under the following conditions:
 - (1) Only temporary permits may be issued and such permits may not exceed three (3) days.
 - (2) Temporary permits may not be issued consecutively to any person or persons, entity or enterprise, or their agents, so as to defeat the prohibitions set forth in this section. The term "consecutively" is defined to mean at any time within a six-month period.
 - (3) A charge of twenty-five dollars (\$25.00) will be levied for each application for a permit to cover administrative expenses in connection with the issuing of the permit.
 - (4) The parish administration may use discretion in the issuance of any request for a permit and may consider, including, but not limited to, the location of the proposed activity, the nature of the proposed activity, the time of the proposed activity and any and all other factors that concern the health, safety, and welfare of the residents of the Parish of Terrebonne.

Secs. 14-203-14-299- Reserved

(Ord. No. 6492, 9-26-01; Ord. No. 8112, § I(Exh. A), 4-25-12)

ARTICLE ~~XI~~. - ADMINISTRATION ~~AND ENFORCEMENT~~, REMEDIES , AND ENFORCEMENT

Sec. 14-~~300~~203. - Nuisance abatement shall not abrogate enforcement of state and local crimes.

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

(Ord. No. 6492, 9-26-01; Ord. No. 7658, § 3, 6-24-09; Ord. No. 8126, § 13, 5-23-12)

Sec. 14-~~301~~204. - Civil enforcement of nuisance violations.

For purposes of this chapter, a nuisance violation is the violation of any ~~provision~~-ordinance of this chapter. The civil ~~regulations~~ordinances of the abatement of nuisances within the parish shall be governed by the ~~provisions~~ordinances of this chapter.

(Ord. No. 8126, § 15, 5-23-12)

Sec. 14-~~302~~205. - Criminal enforcement of nuisance violations.

- (a) No person shall violate any provision of this chapter, fail to comply with civil enforcement of this chapter, or prevent or attempt to prevent by any means or actions any law enforcement officer, any employee of the parish, or any person authorized by the parish from carrying out the ~~provisions~~ordinances of this chapter.
- (b) The department of planning and zoning may report a violation of this chapter, either orally or in writing, to the proper law enforcement authorities for criminal proceedings against the violator after a warning letter from planning and zoning has been issued.
- (c) Any law enforcement officer, when acting with probable cause, shall issue summons for a violation of this chapter. The summons shall command the violator to appear in the city court of Houma on the next scheduled arraignment date. Upon conviction, the violator 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 sixty (60) days or both in the discretion of the court.
- (d) No provision of this chapter shall prevent a law enforcement officer, on his own accord, from investigating and issuing summons for a violation of this chapter.

(Ord. No. 8126, § 15, 5-23-12)

~~Sec. 14-206. — Reinspection. Inspection. 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 pertinent nuisance conditions. The written report shall be accompanied by a photograph(s) of the property taken on or near in time to the day and the time of the initial on-site inspection.~~

~~— Reinspection. Four (4) weeks after the final compliance inspection, any property/violation which was noticed for civil or criminal enforcement of nuisance violations and warnings shall be subject to automatic reinspection.~~

~~(Ord. No. 8126, § 15, 5-23-12)~~

Sec. 14-~~303~~207. - Powers of the department of planning and zoning relative to nuisance abatement.

- (a) The department of planning and zoning shall be responsible for the implementation and subsequent administration of the ~~provisions~~ordinances of this chapter.
- (b) A complaint may be made upon its own consideration or upon the complaint of any person and the planning and zoning 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 pertinent nuisance conditions. The written report shall be accompanied by a photograph(s) of the property taken on or near in time to the day and the time of the initial on-site inspection.

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

- (1) Procedures. Establish and administer rules and ~~regulations~~ordinances 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.
- (2) Record of actions. Maintain records of all actions taken by the department in the administration of the ~~provisions~~ordinances of this chapter.
- (3) Nuisance adjudication hearings. To convene upon the violators request the ~~nuisance hearing panel~~Nuisance Administrative Hearing Officer to consider and rule upon any defense or justification presented by violators; and, to resist and to oppose any deviations from the ~~provisions~~ordinances of this chapter, when necessary.
- (4) Investigations and surveys. Conduct investigations and surveys to determine compliance or noncompliance with the ~~provisions~~ordinances 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.
 - a. Right of entry. Whenever it is necessary to make an inspection to administer any of the ~~provisions~~ordinances 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.
- (5) Enforcement. Issue written warnings, citations and orders requiring compliance with the ~~provisions~~ordinances of this chapter.

(Ord. No. 6492, 9-26-01; Ord. No. 8126, § 14, 5-23-12)

Sec. 14-~~304~~208. - Nuisance warnings; forms; required contents; form of service.

- (a) The nuisance warning shall be the preliminary notice of a violation of this chapter.
- (b) 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~~ordinances of this chapter; provided, however, that if such person, firm, or corporation is not the ~~owner~~proprietary party 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~~proprietary party of such land or structure, with the ~~owner~~proprietary party 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~~proprietary party of the property. If the registered, recorded or last known ~~owner~~proprietary party of the party deemed to be violating the ~~provisions~~ordinances 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.
 - (1) 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.
- (c) 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 content and time for compliance:

- (1) In the case of nuisance warnings issued for the abatement of dilapidated and dangerous structures the time period for compliance shall be a minimum of fifteen (15) days.
- (2) 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.
- (3) In the case of nuisance warnings issued for the abatement of any sunken vessel, the registered ~~owner~~ proprietary party or last known ~~owner~~ proprietary party of any abandoned sunken vessel shall be notified in accordance with R.S. 34:843, as may be amended, such notice to contain a description of the abandoned sunken vessel, the location of the sunken vessel, a statement that the sunken vessel has been deemed either dangerous or abandoned, a list of criteria the ~~owner~~ proprietary party must meet in order to comply with this chapter, and a deadline for compliance in accordance with R.S. 34:843.
- (d) 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~~ proprietary party that failure to remove the vehicle in accordance with the issued notice of warning will result in the vehicle being declared public property and disposed of by the parish in accordance with R.S. 33:4876.

- (e) 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. 6492, 9-26-01; Ord. No. 7735, § VI, 10-28-09; Ord. No. 8126, §§ 14, 16, 5-23-12)

Sec. 14-~~305209~~. - Nuisance citation forms and contesting the citation.

- (a) The nuisance citation shall be the notice of violation for purposes of this chapter.
- ~~(b) No nuisance citation shall issue for failure to comply with a nuisance warning issued due to a dilapidated and dangerous structure; failure to comply shall subject the property to condemnation proceedings in accordance with R.S. 33:4761 et seq., as may be amended.~~
- (b) The citation shall contain information concerning the nature, date, time, and location of the alleged violation; the corrective action to be taken to abate remedy the nuisance, the fine assessed, and the time period, not to exceed five (5) days, in which the fine is to be paid and the corrective action is to be completed.
- (c) 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~~administrative hearing officer. The citation shall also provide that failure to appear for a requested hearing before the nuisance ~~hearing panel~~administrative hearing officer may carry an additional penalty and shall be considered a prima facie admission of the violation set forth in the nuisance citation.

(Ord. No. 6492, 9-26-01; Ord. No. 7658, § 4, 6-24-09; Ord. No. 7735, § VII, 10-28-09; Ord. No. 8126, §§ 14, 17, 5-23-12)

Sec. 14-~~306~~210. - Service of nuisance citations.

- (a) Except as provided for in subsection (f) 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~~ordinances of this chapter; provided, however, that if such person, firm, or corporation is not the ~~owner~~proprietary party 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~~proprietary party of such land or structure, with the ~~owner~~proprietary party 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~~proprietary party of the property.
- (b) 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.
- (c) In the event that the nuisance citation is refused by either the occupant or ~~owner~~proprietary party of the property on which the nuisance is located, this fact shall be duly noted on the original and all copies of the citation.
- (d) 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~~ordinances of this chapter.
- (e) Notice to one (1) ~~co-owner~~proprietary party by any method shall be deemed to be notice to all other co-owners.
- (f) Absentee or unknown owners. If the ~~owner~~proprietary party of the property is unknown and cannot be ascertained, or if attempts to serve notice of violation and citation by certified or registered mail or personal service have been unsuccessful, notice of the nature and location of the violation may be published on ~~one three~~ (13) ~~consecutive~~ days in the official journal of the parish and such publication shall be deemed to be notice to the ~~owner~~proprietary party of the property upon which the violation is found to occur. Notice to one (1) ~~co-owner~~proprietary party by any method shall be deemed to be notice to all other co-owners.

(Ord. No. 6492, 9-26-01; Ord. No. 7735, § VIII, 10-28-09; Ord. No. 8126, §§ 14, 18, 5-23-12)

Sec. 14-~~307~~211. - Uncontested disposition of nuisance citations.

- (a) 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 cashiers 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.
 - (1) Failure to remedy ~~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.

- (2) If the ~~owner-proprietary party~~ 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 property~~ where the violation is occurring and remedy the violation.
- (3) If the parish or its contractor remedies the violation, the cost of furnishing parish labor and equipment, the amount charged by the contractor, penalties, liens, attorney fees, expenses, expert fees and/or all other expenses incurred in determining the identity of ~~the-the proprietary party owner~~, serving, sending, and providing notice and enforcing the ~~provisionsordinances~~ of this chapter shall be charged directly to the ~~owner-proprietary party of the property~~.
- (4) The failure of the ~~owner-proprietary party~~ 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 by the tax collector of the Parish of Terrebonne to the annual ad valorem tax bill of the property involved.
- (5) Legal proceedings to enforce the lien and collect the charges may be filed in a court of competent jurisdiction.
- (6) Upon collection of the charges, the funds shall be credited to the general fund of the parish government.
- (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~~proprietary party which may be collected by ordinary civil process pursuant to law.
- (8) Uncontested and remedied violations shall be subject to a final compliance inspection by the planning and zoning department. Upon request, the planning and zoning department shall issue the Proprietary Party a written notice of compliance.

(Ord. No. 6492, 9-26-01; Ord. No. 8126, § 14, 5-23-12)

Sec. 14-~~308~~212. - Disposition ~~of of~~ contested citations.

The contested citation shall be processed in accordance with ~~the provisions~~Sec. 14-313 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. Administrative Hearing Officer.

(Ord. No. 6492, 9-26-01; Ord. No. 8126, § 14, 5-23-12)

Sec. 14-~~309~~213. - Creation of the ~~n~~Nuisance hearing panel. Administrative Hearing Officer

- (a) Established. There is hereby created ~~and established within the Department of Planning and Zoning of the Parish of Terrebonne, and administratively assisted by the director of the department, a nuisance hearing panel which~~ a Nuisance Administrative Hearing Officer who shall have jurisdiction over contested violations of any civil ~~regulationsordinances~~ of nuisances, as provided for in this chapter. ~~Pursuant to the provisions of the Terrebonne Parish Home Rule Charter, the~~ The parish president, ~~subject to approval by motion of the council, shall empanel the nuisance hearing panel~~ authorize the Nuisance Administrative Hearing Officer to preside at hearings for the adjudication of contested nuisance violations of this chapter.
 - (1) ~~The nuisance hearing panel shall consist of the parish manager or his designee; the director of the planning and zoning department; and the office manager of the planning and zoning department; and the council member from the district of the violation.~~ The Nuisance Administrative Hearing Officer shall be a Terrebonne Parish licensed attorney, not currently

servicing as a parish attorney, paid a reasonable fee. The Nuisance Administrative Hearing Officer shall be paid an hourly rate not to exceed one hundred twenty-seven (\$127.00) dollars per hour and all approved expenses. The parish shall furnish the Nuisance Administrative Hearing Officer with hearing facilities and a court reporter and shall maintain all records of contested hearings.

- (b) Functions, powers, and duties. The ~~nuisance hearing panel~~ Nuisance Administrative Hearing Officer shall serve the following functions, powers, and duties:
- (1) To accept admissions to, and to hear and determine contests of nuisance violations under the ~~provisions~~ ordinances of this chapter;
 - (2) 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. ~~Service of subpoenas shall be by City Marshall or private process server. Service shall be personal or domiciliary.~~
 - (3) To adjudicate ~~when requested nuisance violations for which a~~ alleged nuisance violations ~~nuisance citation has been~~ issued under this chapter.
 - (4) 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 violator's expense and turnover such records and transcripts to the planning and zoning department.
 - ~~(5) 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.~~
 - ~~a. 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.~~
 - ~~(6)~~ To determine whether the contested nuisance should be removed, discarded, buffered, towed, immobilized, or any other method deemed appropriate in the ~~abatement~~ remedy of the violation.
 - ~~(7)~~ To ~~assess civil fines in the abatement of the nuisance violations~~ determine all remedies and enforcement for nuisance violations, including the remedies set forth in 14-307 and to assess and collect administrative costs and the costs incurred in the abatement of the nuisance violation.

(Ord. No. 6492, 9-26-01; Ord. No. 8126, § 14, 5-23-12)

Sec. 14-~~310~~214. - 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.

(Ord. No. 6492, 9-26-01; Ord. No. 8126, § 14, 5-23-12)

Sec. 14-~~311~~215. - Responsibility of ~~owner proprietary party~~ and occupant.

The ~~owner proprietary party~~ and the occupant of the property land on which the nuisance is located, when not the same, shall be solidarily liable to the parish for the violation(s) and all remedies available in Chapter 14 Article XI, unless the ~~owner proprietary party~~ can prove that the nuisance occurred without his

consent, expressed or implied. An ~~owner-proprietary who~~party who pays any nuisance violation fines, ~~abatement-remedy~~ costs, or administrative fees pursuant to this chapter, shall have the right to recover the same from the occupant.

(Ord. No. 6492, 9-26-01; Ord. No. 8126, §§ 14, 19, 5-23-12)

Sec. 14-~~312~~216. - Adjudication based on submissions.

(a) 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~~nuisance administrative hearing officer may adjudicate the matter on the same date and time based on the following submissions of the person charged with a nuisance:

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

(Ord. No. 6492, 9-26-01; Ord. No. 8126, § 14, 5-23-12)

Sec. 14-~~313~~217. - Hearings for disposition of contested nuisance citations.

(a) ~~With the exception of condemnation proceedings, e~~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~~Nuisance Administrative Hearing Officer.

(b) The parish shall be represented by the parish attorney or his designee and ~~The~~the parish shall have the burden of proving the violation by a preponderance of evidence; however, proof that a particular nuisance, described in the nuisance citation, was in violation of the ~~provisions~~ordinances of this chapter, together with proof that the person was, at the time of the violation, either the ~~owner-proprietary party~~ 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-proprietary party~~ 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:

(1) Said proof of ownership that the person was, at the time of the violation, the ~~owner-proprietary party~~ of the property on which the nuisance was occurring shall be in the form of a written statement from the assessor's office.

(2) In the case of the violation occurring on property on which the responsible party is an occupant of the property and not the ~~owner-proprietary party~~ 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-proprietary party~~ of the property attesting to the fact that, as owner, the responsibility for occurrence of the violation was the occupant of the property.

(3) The aforementioned proof shall constitute an ordinary business record of the parish.

(c) 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~~the Nuisance Administrative Hearing Officer determines that the authorized person's presence is required. The ~~nuisance-hearing panel~~Nuisance Administrative Hearing Officer may grant one (1) postponement, if the authorized person is unavailable at the time of the hearing.

~~(d)~~ Prior to holding a nuisance administrative hearing the Nuisance Administrative Hearing Officer shall notify the Proprietary Party/ Violator at least fifteen days in advance of the date that such a hearing is scheduled. This notification shall state the time, date and location of the hearing, the

alleged violations, and it shall be sent by certified or registered United States mail to the Proprietary Party or personally served on the Proprietary Party at the address as listed in the Parish assessor's office. The date of the postmark shall be deemed to be the date of delivery. Any notification so sent and returned by the United States Post Office shall be considered as having fulfilled the notification requirement. Failure of any Proprietary Party charged with a violation to appear at the hearing shall be considered an admission of liability for the charged violation. Any order compelling the attendance of witnesses or the production of documents may be enforced in the 32nd Judicial District Court.

(e) Prior to holding a nuisance administrative hearing for the determination of blight or abandonment of property, the Nuisance Administrative Hearing Officer shall notify the property owner and each mortgagee of record in the parish mortgage records, at least thirty days in advance of the date of the administrative hearing. The notification shall state the time, date, and location of the hearing, the location of the subject property, and an explanation that the hearing is for the purpose of contesting a determination that the subject property is blighted or abandoned. The notice shall be sent by certified or registered United States mail or personally served on the property owner at the address listed in the parish assessor's office and on each mortgagee of record at the address provided in the recorded mortgage.

(f) Testimony by any person shall be taken under oath and in accordance with the rules of evidence of the Administrative Procedure Act. . The Proprietary Person charged with the nuisance ordinance violation may present any relevant evidence and testimony at such hearing and may be represented by an attorney at law. However, the Proprietary Party's physical presence shall not be required at the hearing if documentary evidence, duly verified by such person is submitted to the Nuisance Administrative Hearing Officer prior to the date of the hearing.

(g) At the conclusion of the hearing, ~~the nuisance hearing panel~~the Nuisance Administrative Hearing Officer 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.

(h)e) Failure to comply. If the ~~owner~~proprietary party fails or refuses to take the corrective action ordered by ~~the nuisance hearing panel~~the Nuisance Administrative Hearing Officer within the time period specified, ~~the nuisance hearing panel~~the Nuisance Administrative Hearing Officer shall authorize parish crews or a parish contractor to enter the ~~premises~~property where the violation is occurring and remedy the violation.

(1) If the parish or its contractor remedies the violation, the fines, the cost of furnishing parish labor and equipment, the amount charged by the contractor, penalties, liens, attorney fees, expenses, expert fees and all other expenses incurred in determining the identity of ~~the owner~~the proprietary party, serving, sending, and providing notice and enforcing the provisionsordinances of this chapter shall be charged directly to ~~the~~the proprietary party. violator.

- (2) The failure of the ~~owner-proprietary party~~ 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.
- (3) Legal proceedings to enforce the lien and collect the charges may be filed in a court of competent jurisdiction.
- (4) ~~All~~ Costs, fines, attorney's fees, contractor cost and penalties assessed herein and 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.
- (5) Upon collection of the charges, the funds shall be credited to the general fund of the parish government.

(Ord. No. 6492, 9-26-01; Ord. No. 8126, § 14, 5-23-12)

Sec. 14-~~314~~218. - Failure to appear at hearing; consequences.

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~~the Nuisance Administrative Hearing Officer 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~~the Nuisance Administrative Hearing Officer.

(Ord. No. 6492, 9-26-01; Ord. No. 8126, § 14, 5-23-12)

Sec. 14-~~315~~219. - Schedule of fines; costs administrative penalties and remedy ~~abatement~~ costs.

- (a) Schedule of fines. The following rates for nuisance violation fines within the areas of Terrebonne Parish under this chapter are as follows:
 - (1) For the first violation:\$250.00
 - (2) For a second violation within the same calendar year:\$500.00
 - (3) For a third and subsequent violations within the same calendar year, criminal enforcement and /or civil fines up to five thousand dollars (\$5,000.00) ~~pursuant to section 14-205~~ shall be utilized.
- (b) Administrative fees. A schedule of administrative fees shall be established by the ~~nuisance hearing panel~~Nuisance Administrative Hearing Officer, 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), cost of the court reporter, legal fees associated with the nuisance enforcement and any other administrative tasks required in the proper enforcement of the ~~provisions~~ordinances of this chapter. The losing party shall bear all costs of the Nuisance Administrative Hearing Officer.
- (c) Remedy Abatement costs. Remedy Abatement costs are those direct costs incurred by either parish personnel or a parish contractor in the elimination and disposal of a nuisance. ~~Abatement~~Remedy costs, when incurred, shall be assessed against the nuisance ordinance violator in the manner provided for herein.

(Ord. No. 6492, 9-26-01; Ord. No. 7658, § 5, 6-24-09; Ord. No. 8126, §§ 14, 20, 5-23-12)

Sec. 14-~~316~~220. - Judicial review.

- (a) ~~With the exception of condemnation proceedings, the~~ The written decision of the ~~nuisance hearing panel~~ Nuisance Administrative Hearing Officer 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~~ administrative hearing officer shall commence as specified by the ~~nuisance hearing panel~~ administrative hearing officer.
- (b) The judicial review by Terrebonne Parish civil district court shall not be de novo but solely a review of the record.

(Ord. No. 6492, 9-26-01; Ord. No. 8126, § 14, 5-23-12)

Sec. 14-~~317~~221. - Method of notice.

- (a) Any notice permitted or required to be given by the ~~nuisance hearing panel~~ Nuisance Administrative Hearing Officer 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~~ proprietary party 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.
- (1) Notice to one (1) ~~co-owner~~ proprietary party shall serve as notice to all other ~~co-owners~~ proprietary parties.

(Ord. No. 6492, 9-26-01; Ord. No. 8126, § 14, 5-23-12)

Sec. 14-~~318~~222. - Disposition of monetary ~~penalties~~ judgment.

- (a) ~~The monies~~ Any judgment collected pursuant to operations of the ~~nuisance hearing panel~~ Nuisance Administrative Hearing Officer shall be ~~forwarded to the parish treasurer, who shall deposit same to the credit of the parish-~~ paid at planning and zoning department by certified cashiers check.
- (b) The judgment rendered by the Nuisance Administrative Hearing Officer shall be recorded with the Clerk of Court of Terrebonne Parish.

(Ord. No. 6492, 9-26-01; Ord. No. 8126, § 14, 5-23-12)

Sec. 14-~~223~~319. - Immediate danger or hazard.

With the exception of condemnations due to grave public emergencies, 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 the health, safety and welfare of adjoining property, or to the citizens of the parish. All other ~~provisions~~ ordinances 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.

Sec. 14-320- Barking dog affidavit

For purposes of prime face evidence of nuisance associated with barking dogs, notwithstanding anything to the contrary herein, sufficient proof may be made in the form of an affidavit by any complaining proprietary property attesting to the fact that the barking dog meets the definition contained

[at Sec. 14-26. The affidavit shall create a presumption that the complaint meets the criteria of a nuisance for a barking dog; however, the presumption is rebuttable.](#)

(Ord. No. 6492, 9-26-01; Ord. No. 7735, § IX, 10-28-09; Ord. No. 8126, § 14, 5-23-12)

[Sec. 14-321- Exclusion of condemnation](#)

[Article XI does not apply to condemnations proceedings unless used to determine blighted property.](#)

Secs. 14-~~322224~~—14-~~399229~~. - Reserved.

ARTICLE XII. - JUSTICE OF THE PEACE COURTS^[5]

Footnotes:

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Editor's note—Ord. No. 6772, § I, adopted July 9, 2003, added ch. 14, art. XI, §§ 14-30—14-36. In keeping with the numbering style of the Code these sections have been redesignated as §§ 14-230—14-236.

Sec. 14-~~400230~~. - Purpose.

The Terrebonne Parish Council wishes to enhance the quality of life in this community and to do everything possible to prohibit the unlawful disposal and accumulation of litter in the parish.

(Ord. No. 6772, § I, 7-9-03)

Sec. 14-~~401231~~. - Authority.

Pursuant to Senate Bill 457 of the 2003 Regular Session of the Louisiana Legislature (Act No. __), the Terrebonne Parish Council wishes to grant jurisdiction to justice of the peace courts to have jurisdiction over certain objects that have been removed, abandoned or disposed of, to provide for appellate procedure for such actions, to provide for fines and penalties and to provide for related matters.

(Ord. No. 6772, § I, 7-9-03)

Sec. 14-~~402232~~. - Definitions.

(See Section 14-26 of this Code)

(Ord. No. 6772, § I, 7-9-03)

Sec. 14-~~403233~~. - Authority.

Justices of the Peace in Terrebonne Parish shall have concurrent jurisdiction over the violations for removal, disposition or abandonment of objects, of a value not 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 and/or chapter 14, "nuisance abatement" of the Parish Code 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.

(Ord. No. 6772, § I, 7-9-03)

Sec. 14-~~404~~234. - Penalty.

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 section 14-203(d) of the Parish Code [as an alternative to the civil enforcement ~~provisions~~ordinances 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 ~~provisions~~ordinances 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~~proprietary party of the property. The summons shall command the ~~owner~~proprietary party to appear in the city court of Houma 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 sixty (60) days or both in the discretion of the court].

(Ord. No. 6772, § I, 7-9-03)

Sec. 14-~~405~~235. - Appeal.

Persons found liable in a justice of the peace court for litter, removal, disposition or abandonment violation pursuant to section 14-203(c), shall have the right of direct appeal to the 32nd Judicial District Court by trial de novo for the Parish of Terrebonne. The appeal must be filed within ten (10) 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 Terrebonne Parish. The appeal from a decision of the district court shall be the same as provide 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.

(Ord. No. 6772, § I, 7-9-03)

Sec. 14-~~406~~236. - Prosecutor.

The constable of the justice of the peace court or his deputy shall act as prosecutor when called upon to do so by the justices 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. 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. 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. 6772, § I, 7-9-03)