

- **ARTICLE II. – NUISANCES and PROPERTY STANDARDS**
- **Sec. 10-20. - Definition.**

A **nuisance** is generally defined as a person, thing, or circumstance causing inconvenience or annoyance. A nuisance under property law occurs when a landowner, tenant, or an agent engages in an activity that significantly interferes with the use or enjoyment of another's property or that affects the health, safety, welfare or comfort of the public at large. **Property standards** are the required minimum standards that specify how a property should be maintained and are enacted to ensure that a minimum level of maintenance is adhered to on all properties within Avoyelles Parish.

- **Sec. 10-21. - Illustrative enumeration.**

The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions are hereby declared to be and constitute a nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:

- (1) Noxious weeds and other rank vegetation. (La. RS 33:1236; 21-a-i)
- (2) Accumulation of rubbish, trash, refuse, junk and other abandoned materials, metals, lumber, junk vehicles or other things. (La. RS 33:1236; 30, a & b)
- (3) Any condition which provides harborage for rats, mice, snakes and other vermin.
- (4) All unnecessary or unauthorized noises and annoying vibrations, including animal noises.
- (5) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches.
- (6) The carcasses of animals or fowl not disposed of within a reasonable time after death.
- (7) The pollution of any public well or cistern, stream, lake, canal or body of water by sewage, dead animals, creamery, industrial wastes or other substances.
- (8) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.
- (9) Dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities.

- **Sec. 10-22. – Authority of parish police jury**

The parish police jury (hereinafter referred to as the Jury and the parish governing authority) within the powers given to it by La. RS 33:1236 "Powers of parish governing authorities" may enact ordinances regulating or prohibiting nuisances and property standards within areas under its jurisdiction outside municipalities in the parish, in accordance but not limited to La. RS 33:1236 and La RS 33:4876.

Those particular powers are enumerated as following:

(21)(a)(i) To pass ordinances to compel property owners to cut grass and obnoxious weeds on their property; including property with structures located thereon. If the owners of lots located within subdivisions outside municipalities in the parish fail to cut and remove such grass and weeds when requested to do so, within fifteen days after receipt of a registered or certified letter by the police jury of said parish, the police jury shall have authority to have such grass and weeds cut and removed and to charge the property owners therefore in accordance with regulations adopted by the police jury. Upon failure of any such property owner to pay the charges, the police jury may file a certified copy of said 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 on which said weeds and grass were cut and removed. The lien and privilege granted under this Paragraph, when recorded within sixty days from the date of completion of the cutting or removal, shall have the same ranking as an ad valorem tax lien on immovable property as provided in R.S. 9:4821(A)(1). Parishes may, at their option, pass ordinances to add grass cutting charges as hereto enumerated to the annual ad valorem tax bill of the property involved if the charges remain unpaid; the ad valorem tax lien imposed thereby and such rights attendant thereto shall co-exist with those granted under this term.

(30)(a)(i) To enact ordinances regulating or prohibiting the storing or abandoning of trash, debris, junk, wrecked or used automobiles, or motor vehicles, or any part or parts thereof, or any other junk, discarded or abandoned machinery or other metal, tin, or other discarded items, on any vacant lot, or any portion of any occupied lot, neutral ground or sidewalk, within recognized subdivisions of the parish.

(30)(a)(ii) In the exercise of the authority granted, the governing authority, among other things, but not by way of limitation, may require that any vacant lot, or portion of any occupied lot, used for storing of junk, or other matter herein listed, shall be surrounded or enclosed by a board fence or other enclosure.

(49)(a)(i) To enact ordinances relating to the repair and condemnation of buildings, dwellings, and other structures that have become derelict and present a danger to the health and welfare of residents of the parish upon adequate notice to the owner. However, with respect to structures within a historical preservation district, the governing authority of the district shall have concurrent authority with respect to such matters.

(ii) The phrase "derelict and present a danger to the health and welfare", as used in this Paragraph, shall include, but not be limited to, buildings or structures which have any of the following characteristics:

(aa) Are structurally unsafe.

(bb) Are not provided with adequate egress.

(cc) Constitute a fire hazard.

(dd) Are otherwise dangerous to human life.

(ee) By way of existing use or condition constitute a hazard to public safety, health, or welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, or abandonment.

(iii) Ordinances enacted pursuant to this Paragraph may declare such derelict structures to be public nuisances, and require their repair, rehabilitation, demolition, or removal.

(iv) The governing authority of any parish may request and the adjutant general may assign, subject to the approval of the governor, national guard personnel and equipment to assist in the removal and demolition of condemned buildings, structures, or public nuisances. The provisions of this Item shall be applicable when the budget for the demolition and removal of condemned structures has been expended by the governing authority of a parish. However, the request must be accompanied by documentation that all procedural protections and substantive restraints have been adhered to by the governing authority. In the event all protections and substantive restraints have been adhered to by the governing authority, the parish and their personnel and the national guard and their personnel shall not be liable to the owner of the building, structure, or public nuisance for any damages sustained resulting from the demolition of the building, structure, or public nuisance.

La. RS 33:4876 Abandoned automobiles, major appliances and other junk; disposition of

- (a) The governing authority of any parish may enact ordinances regulating or prohibiting the storing or abandoning of junk, wrecked or used automobiles or motor vehicles, or any part or parts thereof, or any other junk, discarded or abandoned major appliances, such as refrigerators, freezers, ranges or machinery or other metal, tin, or other discarded items, on any vacant lot, or any portion of any occupied lot, neutral ground, street or sidewalk, within their jurisdiction.
- (b) The ordinance shall provide for the removal and disposition of such junk items after notice of not less than ten (10) days either placed on the item itself or given to the owner, if known. Any vehicle which remains on the public ways or private property described above after notice given as provided in the ordinance shall be considered as public property and disposed of by the parish as the governing authority may designate. In the case of other abandoned property set forth in Subsection (a), the notice shall be given to the owner of the lot or parcel of ground upon which the junk material is located, and the cost of removing said material shall constitute a special lien collectable in the same manner as special assessments are collectible by law.

- **Sec. 10-23. - Prohibited.**

It shall be unlawful for any person or persons to cause, permit, maintain or allow the creation or maintenance of a nuisance or to violate property standard requirements in areas of Avoyelles Parish under the jurisdiction of the Jury.

- **Sec. 10-24. - Penalties**

The Jury may enact ordinances and impose penalties for nuisance or property standard violations under its jurisdiction to owners of immovable property, their agents, tenants or representatives. Penalties may consist of fines, a requirement to perform community service, driver's license suspension, or any combination of the penalties.

- **Sec. 10-25. - Notice to abate.**

Whenever a nuisance is found to exist within the parish under the jurisdiction of the Jury, an appointed representative of the Jury to act in such matters for the Jury shall prepare a "notice to abate" to be delivered to the landowner, tenant, or agent thereof.

If the property, which may be subject to lien and privilege granted in favor of a parish under this Paragraph, is owned in indivision and the owners in indivision, with their proportionate share in the property, are listed separately by the tax assessor on the ad valorem tax roll for the parish, then the notice to abate the violation under this Paragraph shall be sent to each owner in indivision and shall list the proportionate share of such charges due by that owner.

- **Sec. 10-26. - Contents of notice.**

The notice to abate a nuisance issued under the provisions of this article shall contain:

- (1) An order to abate the nuisance
- (2) The location of the nuisance, if the same is stationary.
- (3) A description of what constitutes the nuisance.
- (4) A statement of acts necessary to abate the nuisance.
- (5) A statement that if the nuisance is not abated as directed, a summons will be issued, and a hearing will be conducted by a court magistrate.

- **Sec. 10-27. - Service of notice.**

The notice to abate a nuisance shall be served by a deputy sheriff, ward marshal, constable (effective August 1, 2024 – La. HB 964) or litter abatement officer having jurisdiction and power to serve legal process where the landowner, tenant or agent is found in the state. The officer shall make return-of-service as in ordinary cases. If the landowner, tenant or agent cannot be served, domiciliary service may be made as in ordinary cases.

- **Sec. 10-28. - Failure of abatement**

Upon the failure of the person or persons upon whom notice to abate a nuisance or property standard violation was served upon, the matter shall be referred for prosecution.

- **Sec. 10-29. - Abatement Cost Calculation**

A person designated by the police jury shall proceed to prepare a statement of cost incurred in the abatement thereof.

- **Sec. 10-30. – Prosecution**

Upon referral, prosecution shall be conducted through the District Court system or the Avoyelles Justice of the Peace court system (La. HB 964 – Effective August 1, 2024).

- **Sec. 10-31. - Parish's costs declared lien.**

If the court ordered the abatement of the nuisance or property standard violation and the costs are not paid by the landowner, tenant, or agent, all costs incurred by the Jury in the abatement of a nuisance or property standard violation under the provisions of this article shall constitute a lien and privilege against the immovable property upon which such nuisance or property standard violation existed. The lien shall secure all fines, costs, and penalties which are assessed by the Parish in accordance with this Section and described in the order, judgment, notice of judgment, or lien. In order for the lien and privilege to arise, the order, judgment, notice of judgment, or lien shall be final and not subject to appeal when recorded in the Clerk of Court's mortgage office. The lien and privilege shall have ranking as provided by La. RS 9:4821(1).

Such lien shall be notice to all persons from the time of its recording and shall bear interest at the legal rate thereafter until satisfied.

Any liens placed against such immovable property shall be included in the next annual ad valorem tax bill and shall be paid along with such taxes, not subject to any valid homestead exemptions. Failure to pay the liens shall cause the immovable property in or on which the violation occurred to be subject to the same provisions of law as govern tax sales of immovable property.

- **Sec. 10-32. - Reserved.**