

VILLAGE OF MAURICE

ORDINANCE 18-12

AMENDING ORDINANCES 11-9A, 02-10-A, and 84-10-A

Adopted on _____

Regulating the Maintenance of Lots and Sidewalks: Remedies: Assessment; Noxious Growths, Grasses, Weeds, and Buffer Zones

BE IT ORDAINED by the Mayor and Board of Aldermen of the Village of Maurice, Louisiana, acting as the governing authority of said Village that:

The Village of Maurice, Louisiana, does hereby repeal Ordinance Number 11-9A and enact this Ordinance as follows:

Section 1. DEFINITIONS

a. **Regulated Properties.** Owners, tenants or occupants of any leased or occupied lots or places or areas or lands or property immediately adjacent to and within a buffer zone adjacent to commercial, residential property or public rights-of-way as hereinafter defined shall maintain all grass and noxious weeds on such property below an average height not to exceed twelve (12) inches. Furthermore, owners, tenants, or occupants of any property shall maintain all noxious weeds/grasses on the subject property surrounding any ornamental work or signage located on the subject property below an average height not to exceed twelve (12) inches.

b. **Residential Properties.** For the purposes of this Article residential properties are defined as any tracts of land which have been used as the place in which a person or thing resides such as a home, apartment, or condominium.

c. **Buffer Zone.** Buffer zone is that area of property located immediately adjacent to commercial, residential and/or public rights-of-way in which an area of property is determined by the Village of Maurice, through its administration, as a buffer zone to commercial, residential and/or public rights-of-way. The determination by the Village of Maurice, through its administration, that an area of property is a buffer zone to residential and/or public rights-of-way shall be within the sole discretion of the government of the Village of Maurice through its administration and approved by the Mayor. However, nothing to the contrary notwithstanding buffer zones of at least twenty (20) feet in depth into a property and varying in length along a common property line of residential or commercial property or public

rights-of-way as herein defined shall be regulated by this Article. For the purposes of this ordinance, all buffer zones shall be free of all noxious weeds/grasses that are identified above including maintaining the noxious weeds/grasses surrounding any ornamental work or signage located on the subject property to a height not to exceed twelve (12) inches.

d. **Wooded Lot.** A wooded lot is any lot having more than one viable tree, six inches (6") or greater in diameter per 1,500 square foot of grass lot area exclusive of the street right-of-way.

e. **Woodland.** A woodland is a plant community of one-quarter acre or larger in area, well stocked and comprised predominantly of healthy trees six inches (6") and greater in diameter, and/or woody vegetation, growing more or less closely together, the branches of which form a complete or nearly complete area canopy.

f. **Agricultural Property.** Land used primarily for the purpose of farming, husbandry, tillage, or cultivation of the ground for the purpose of producing vegetables, fruits, or preparing the soil, sowing, and planting seeds and/or raising livestock, aquaculture activities such as crawfish farming. For purposes of this ordinance, it is presumed that all properties located within the Village of Maurice limits are residential property and furthermore, the burden is on the landowner to demonstrate and prove that the subject property is agricultural property.

Section 2. **SIDEWALKS TO BE KEPT FREE THEREOF**

It shall be unlawful for the owner of any lot, place, or area within the Village, or the agent of such owner, to permit on such lot, place or area, or upon any sidewalk abutting same, any weeds, grass or other deleterious, unhealthful or noxious growths that may be growing, lying and/or located thereon.

Section 3. **NOTIFYING OWNER OF VIOLATION; DUTY OF CHIEF OF POLICE OR VILLAGE CLERK**

The Clerk and/or the Chief of Police of the Village is hereby authorized and empowered to notify, in writing by certified mail, return receipt requested, the owner of any such lot, place, or area, or the owner of the abutting property, who is in violation of this Ordinance, or the agent of such owner, to cut, destroy, and/or remove any such noxious weeds, grass or other deleterious, unhealthy or noxious growths on any sidewalks, banquets, or any lot, place or area within the limits of the Village. The owner of any such lot, place, or area or the owner of the budding property shall have **ten (10) days** from receipt thereof to cut, destroy, and/or remove any such noxious weeds, grass or other deleterious, unhealthy or noxious growths. If the noxious weeds, grass or other deleterious, unhealthy or noxious

growths are not cut, destroyed, and/or removed within the **ten (10) day** demand period, the Village of Maurice, pursuant to Section 4, may undertake the cutting, destruction or removal of noxious weeds, grass or other deleterious, unhealthy, or noxious growths with the cost to be borne by the owner of such lot, place, or area or the owner of the abutting property. The amount charged by the Village of Maurice for the cutting, destroying, and/or removing the above referenced grass/grasses/weeds shall be the maximum amount allowable charged by a private lawn cutting entity. Notice to the owner of any such lot, place, or area or the owner of the budding property as shown on the last assessment roll of the Village of Maurice shall be by certified mail, return receipt requested, addressed in accordance with the assessment rolls of the Village of Maurice.

Section 4. **FAILURE OF OWNER TO COMPLY; REMOVAL BY CITY**

The Village may undertake the cutting, destruction or removal of noxious weeds, grass or other deleterious, unhealthy, or noxious growths on any property within the Village on a monthly basis without notice as required in Section 3 if the owner has been notified pursuant to Section 3 at any time during the immediately preceding six (6) months and has failed to cut, destroy or remove of noxious weeds, grass or other deleterious, unhealthy, or noxious growths on the subject property during the preceding six (6) months. However, prior to the undertaking of such work by the Village of Maurice, the Village Clerk and/or Chief of Police shall file and record an affidavit, signed by the Mayor of the Village of Maurice, at its administrative office. Said affidavit shall include the following:

- (a) A description of the property sufficient to reasonably identify it;
- (b) A photograph of the property sufficient to reasonably identify its unsafe or unsanitary condition, and to justify the necessity for cutting, destroying or removing weeds, grass, or other noxious growths;
- (c) A statement that the property owner liable has within the past six (6) months failed to do such work after notification and opportunity to do so pursuant to Section 3.

Section 5. **COSTS ASSESSED AGAINST OWNER; TIME OF PAYMENT; PROCEDURE WHEN OWNER FAILS TO PAY**

If after the cutting, destruction or removal of such weeds, grass or growths by the Village after due notice as provided above, the cost or expense thereof has not been paid within **ten (10) days**, the tax collector of the Village shall furnish the owner as shown on the last assessment roll of the municipality, by certified mail, return receipt requested, a written statement showing the costs and/or expenses incurred for the work, and the place or property on which the work was done. If the said statement is not paid within **thirty (30) days** after receipt, the amount thereof shall be included in and form a part of the taxes due by the owner of said property, and when collected shall be credited to the general fund of

said Village. If the full amount due the Village pursuant to this section is not paid by the owner of the property concerned within **ten (10) days** after cutting, destroying and/or removal of such weeds, or deleterious, unhealthful growths, or other noxious matter as set forth in this section, then the Clerk of the Village of Maurice shall cause to be recorded in the mortgage records of Vermilion Parish, a sworn statement showing the cost and expense incurred for the work and the date, place or property on which said work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect of the amount due in principal and interest, plus costs of court, if any, for collection until the final payment has been made; said costs and expenses shall be collected in the manner fixed by law for the collection of taxes, and further shall be subject to a delinquent penalty of ten (10%) percent in the event said is not paid in full on or before the date of statement upon which said charge appears becomes delinquent. The sworn statement recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and satisfactorily performed, and shall be full notice due every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designed or described in the statement and that the same is due and collectible as provided by law.

Section 6. **PENALTIES**

Notwithstanding the previous sections of this ordinance any owner of any lot, place, or area within the Village of Maurice who neglects or refuses to cut, destroy or remove any weeds, grass, deleterious material, unhealthful growths, or other noxious matter after receiving formal demand by the Village of Maurice, shall be guilty of a misdemeanor and shall be fined no more than **One Hundred and No/100 (\$100.00) Dollars**, plus applicable costs of court, for a first offense; no more than **Two Hundred Fifty and No/100 (\$250.00) Dollars**, plus applicable costs of court, for a second offense; and no more than **Five Hundred and No/100 (\$500.00) Dollars**, plus applicable costs of court, for a third or subsequent offense.

Section 7. **EXCEPTIONS**

Exceptions: This Ordinance shall not apply to:

A. Agricultural Property. The provisions of this Ordinance shall not apply to areas in excess of two (2) acres in size when said acreage is used solely and exclusively for agriculture purposes. However, the buffer zones described above shall be applicable to agricultural property.

B. Woodlands, Wooded Lots and Forested Areas. Woodlands and forested areas are exempted from the provisions of this Article, except however, they shall maintain a buffer zone of twenty (20) feet or more as described above. As used in this Article, a woodland, wooded lot, and/or forest area shall mean and include the area, property, land or portion thereof which bears

foliage such as trees growing naturally or being allowed to reforest in addition to the definition described above.

BE IT ORDAINED that upon this Ordinance being enacted, this Ordinance No. 11-9A shall be repealed.”

WHEREUPON, the above Ordinance was read section by section, and was submitted to a vote, the vote thereon being as follows:

YEAS: Alderwoman Phyllis Johnson, Alderwoman Sherry Howell, Alderman Kenneth Picard

NAYS: None

ABSENT OR PRESENT AND NOT VOTING: None

The above Ordinance was declared adopted on this 19th day of December, 2018, at Maurice, Vermilion Parish, Louisiana, to become effective upon publication.

THE VILLAGE OF MAURICE

**BY: s/Wayne Theriot
WAYNE THERIOT, Mayor**

**BY: s/Melanie Denais
MELANIE DENAIS, Clerk**