

ORDINANCE NUMBER 38-2011

AN ORDINANCE FOR INSIDE THE CORPORATE LIMITS OF THE TOWN OF STONEWALL, DESOTO PARISH, LOUISIANA, FOR THE REMOVAL OF WEEDS, TRASH, AND PROCEDURES TO BE FOLLOWED THEREIN

SECTION 1. WEEDS AND OTHER NOXIOUS ACCUMULATIONS, PROHIBITED CONDITIONS.

A. It shall be unlawful for any owner or lesser of real estate, within the corporate limits of the Town of Stonewall to allow or permit weeds, grass, or other noxious growth to grow to a heights of more than 10 inches upon such real estate owned or leased.

B. It shall be unlawful for any owner or lessee of real estate within the corporate limits of the Town of Stonewall, to allow or permit the accumulation of garbage, trash, or debris upon real estate owned or leased.

SECTION 2. DUTY OF PROPERTY OWNERS TO MAINTAIN THEIR PROPERTY

A. All owners of real estate situated within the corporate limits of the Town of Stonewall, are hereby required to cut and/or remove or destroy all noxious weeds or grass or other deleterious, unhealthy or noxious growths or accumulations of trash or debris on their real estate or on any neutral ground (being that area between the property line and the curb or ditch as the case may be) abutting such real estate.

SECTION 3. MAYOR TO NOTIFY OWNER OR POSSESSOR TO DESTROY AND/OR REMOVE NOXIOUS GROWTHS OR ACCUMULATIONS OF TRASH OR DEBRIS ON PROPERTY

A. In the event any owner, lessee, or possessor of any real estate within the corporate limits of the Town fails to comply with the provisions of Section 1 or 2 above, the Mayor is hereby authorized and empowered to notify the owner, lessee, or possessor in writing and direct him to cut, destroy and/or remove such weeds, grass, noxious growths, or other accumulations of trash or debris found .

B. Upon failure, neglect or refusal of any owner, lessee, or possessor to cut, destroy, or remove such weeds, grass, other noxious growth or trash or debris lying or located upon any property, within ten (10) days after receipt of the written notice in the event the same is returned to the Town by the U.S. Postal Service because of its inability to make delivery thereof, providing the same is properly addressed to the last known address of the owner, lessee, or possessor, the Mayor is hereby authorized and empowered to order the cutting, destroying, and removal of such weeds, grass, noxious growths, trash, or other debris, which work may be done either by employees of the Town or by an independent contractor who shall first be approved by the Mayor.

SECTION 4. AUTHORITY OF COUNCIL TO ORDER THE IMMEDIATE CLEARING OF ANY PROPERTY OF OVERGROWN WEEDS, OR ACCUMULATIONS OF TRASH OR DEBRIS

A. In the event the Mayor determines that a situation exists wherein for the preservation of the public health or safety, it is necessary to order the immediate clearing of a piece of real estate within the Town, from any unsanitary or unsafe accumulation of weeds or other deleterious, unhealthy or noxious growths or trash and debris, he shall call the Council into session as provided by law, and if said Council concurs in the Mayor's determination, it may authorize such work to be done immediately and without the necessity for notice as required above.

SECTION 5. COST CHARGES TO THE OWNER, LESSEE, OR POSSESSOR

A. Whenever the Mayor has ordered the cutting, destroying, or removal of such weeds, grass, noxious growths, trash, or debris found growing, lying or located in or upon any lot, place, or area abutting the same within the limits of the Town, "that is within a subdivision or is less than four acres," as set forth in this Ordinance, the actual cost or removal, plus a one hundred dollar (\$100.00) fee, shall be charged to the owner, lessee, or possessor of such property, which charge shall be due and payable by said owner, lessee, or possessor on the date of completion of said work.

SECTION 6. COST IF NOT PAID CONSTITUTE LIEN ON PROPERTY PROCEDURE

A. If the full amount due the Town for cutting, destroying, or removal of such weeds, grass, noxious growths, trash, or debris is not paid within ten (10) days after the completion of the cutting, destroying, or removal of such weeds, grass, noxious growths, trash, or debris, found growing, lying or located in or upon any lot, place or area abutting the same, within the Town as set forth in the preceding Section, the Mayor shall recorded in the mortgage records of the Parish in which the property is located, a sworn statement showing the cost and expense incurred for the work and the date, place and property upon which the work was done, and the recordation of such sworn statement shall constitute a lien and privilege upon the property and shall remain in full force and effect for the full amount due in principal and fees, plus cost of court, if any, for collection, until final payment has been made.

SECTION 7. PENALTY

A. Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to such penalties as provided.

B. Whoever is found to be in violation of any provisions of the Ordinance shall be

punished by a fine not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days or by both such fine and imprisonment within the discretion of the court.

SECTION 8. THIS ORDINANCE SHALL BECOME EFFECTIVE ON :

Wednesday, February 09, 2011

Said Ordinance having been introduced on the 11th day of **January** 2011, by Council Member Dot Simmons and seconded by Council Member Nicholas Gasper. Notice of Public Hearing having been published three (3) times in the Official Journal for the Town of Stonewall A Public Hearing being held at the Stonewall Municipal Complex, 1318 Highway 171, Stonewall, DeSoto Parish, Louisiana on **Tuesday, February 08, 2011** at 6:30 pm., the title having been read a second time and the Ordinance considered for final adoption on the Motion of **Council Member Dot Simmons** seconded by **Council Member Margaret Dickerson**, to adopt the Ordinance, a record vote with a quorum present was taken and the following was held:


 4 YEAS (Council Members: Dot Simmons, Margaret Dickerson,
 Patrick Loftus, and Curtis McCune

 0 NAYS


 1 ABSENT (Council Member: Nicholas Gasper

CERTIFIED

I, **KAY BERRY, TOWN CLERK** A hereby certify that the above and foregoing Ordinance was duly adopted by the Board of Council Members in a regularly convened session on **Tuesday, February 08, 2011** at the which a quorum was present.



Charles Waldon, Mayor
Town of Stonewall



Kay Berry, Town Clerk/Exec. Admin.
Town of Stonewall