The following Ordinance was offered by Ald. Emily Mire, seconded by Ald. Michael Mouton, and duly resolved and adopted.

**VILLAGE OF ESTHERWOOD**

**ORDINANCE NO. 170**

AN ORDINANCE AMENDING AND RE-ENACTING ORDINANCE NO. 18 OF THE VILLAGE OF ESTHERWOOD TO PROVIDE FOR THE CLEANLINESS AND MAINTENANCE OF PROPERTY; TO PROVIDE FOR NOTIFICATION TO THE OWNER FOR VIOLATION THEREOF; TO AUTHORIZE THE REMOVAL AT OWNERS EXPENSE AND ASSESSMENT AGAINST THE PROPERTY; TO PROVIDE FOR PENALTIES FOR THE VIOLATION THEREOF; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH OR IN CONFLICT HERETO.

Whereas, this ordinance has been duly introduced and notice of this ordinance and notice of the public hearing having been published; and

Whereas, a public hearing having been held in accordance with law on the \_10th\_\_\_\_day of \_August\_\_\_\_\_, 2023 at 6:00pm at Village Hall, Estherwood, Louisiana and;

Whereas, the Board of Aldermen is aware that the Village of Estherwood has had problems with the maintenance of lots located in the Village by their owners.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF ESTHERWOOD, ACADIA PARISH, LOUISIANA IN REGULAR SESSION DULY CONVENED THAT:

Section l: **The State Sanitary Code** is hereby adopted by the Village of Estherwood for the purpose of establishing rules and regulations in addition to the mandatory building codes previously adopted for the control and administration of all matters of local health and sanitary codes of the State of Louisiana as prepared, promulgated and amended and accept such services that are otherwise regulated by the Building Code. Said State Sanitary Code is hereby adopted as set forth herein and on file in the Office of the Clerk of the Village of Estherwood and the provisions hereof shall control all matters of local sanitation within the Village as provided.

Section 2: **Prohibition of materials; penalty.**

All persons, partnerships, corporations and other legal entities owning property within the limits of the Village of Estherwood are hereby required to cut, destroy and remove weeds or grass, refrigerators, or other machinery or other noxious matter growing, lying or located upon any lot, place or area within the Village owned by any such individual, partnership, corporation or other legal entity; and to maintain their said premises free of any such weeds or grass, refrigerators or other machinery, or deleterious, unhealthy growth or other noxious matter growing, lying or located in or upon the same and if any such owner shall fail, neglect or refuse after due notice made by the Mayor or representative to cut, destroy or remove such weeds or grass, or other machinery or deleterious, unhealthy growths or other noxious matter, such owner shall be deemed guilty of a violation of this article and upon conviction thereof, shall be punished for each day’s violation by the imposition of a fine not exceeding two hundred dollars ($200.00), or imprisonment not to exceed sixty (60) days, or both, such fine and imprisonment to be in the discretion of the court.

Section 3: **Corporate officers liable.**

If a corporation is found to be the owner of any lot, place or area violating the provisions of this article, any or all the officers thereof shall be deemed guilty of a violation of this article.

Section 4: **Notice of violation.**

A written notice or notices shall be directed by the Mayor or representative to any such owner or owners who fail to maintain their premises within the Village as herein provided, in accordance with the most recent tax rolls of the Acadia Parish Tax Assessors Office by certified mail return receipt requested. Thereafter, said owners shall have ten (10) days in which to comply with the terms of this article.

Section 5: **Village authorized to remove offending materials at owner’s expense; unpaid expense to be added to taxes.**

(a) *Authorization and empowerment.* In the event the owner or owners fail to cut, destroy and remove grass or weeds above 12 inches in height, or refrigerators, or other machinery, or deleterious, unhealthy growths or other noxious matter, lying or located in or upon any lot, place or area, or in or upon any sidewalk, ditch, bank, street shoulder adjacent to said premises, with the commercial or residential areas of the Village, within the delays allowed, then and in that event the Mayor or representative is hereby authorized and empowered to remove at the Owner’s expense. The charges, costs and expenses incurred by the Village in enforcing such ordinance shall to the extent of the actual cost thereof to the Village be a charge, cost or expense of the property abutting the sidewalk, ditch, bank, street, shoulder adjacent to the lot, place or area and the owner thereof.

(b) *Owner to be given opportunity to clean premises*. No such work shall be undertaken by the Village pursuant to this section until the owner of the lot, place or area, or the owner of the abutting property where the weeds or growths, or refrigerators, or other machinery, or deleterious, unhealthy growths or other noxious matter, are to be removed as shown on the last assessment roll has been given an opportunity of doing the work himself within at least 10 days after notice has been given by certified mail return receipt requested.

(c) *Unpaid expenses to be added to taxes.* If after the cutting, destruction or removal of such weeds or growths, or refrigerators, or other machinery, or deleterious, unhealthy growths or other noxious matter by the Village after due notice as above provided, the cost or expenses, thereof has not been paid within 10 days, the tax collector of the Village shall furnish the owner, as shown on the last assessment roll of the Village, by certified mail return receipt requested a written statement showing the cost or expense incurred for the work and the place or property on which the work was done. Upon failure of the property owner to pay the charges within thirty days of receipt of the bill, the Mayor or representative 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 Village of Estherwood against the property on which the work was done or against the property abutting the sidewalk or banquette on which the work was done. The lien and privilege granted under this Subsection shall have the same ranking as an ad valorem tax lien on immovable property.

(d) *Owner’s liability; notice; waiver of notice.* The Village may undertake the cutting, destruction or removal of weeds or growths, or refrigerators, or other machinery, or deleterious, unhealthy growths or other noxious matter on any property with the Village on a monthly basis with the notice required in subsection (b) above if the property owner liable has been notified pursuant at any time during the immediately preceding six months and has failed to do the work himself after opportunity to do so. However, prior to undertaking such work, the Village shall file and record an affidavit signed by the Mayor of the Village, at its administrative office. Such affidavit shall include the following:

(1) A description of the property sufficient to reasonably identify it.

(2) A photograph of the property sufficient to reasonably identify its unsanitary condition and to justify the necessity for cutting, destroying, or removing weeds, grass, or other noxious growths.

(3) A statement that the property owner liable has within the past six months failed to do such work after notification and opportunity to do so pursuant to subsection (b).

(e) *Maintenance of records of expense.*  The tax collector shall maintain a record of such charges prior to the filing of the tax rolls, which record shall be always open to inspection, and which shall constitute legal notice of the purchasers of the property or parties lending money thereon the assessment.

Section 6: If any provisions, part, word, section, subsection, sentence, clause or phrase of this ordinance should be held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance and do hereby declare the provisions hereof to be severable there in that event, only that particular provision, part, word, section, subsection sentence, clause or phrase shall be deemed unconstitutional or invalid and the remaining provisions, parts, words, sections, subsections, sentences, clauses or phrases with not be affected and shall continue in full force and effect; and

Section 7: All ordinances or parts of ordinances inconsistent with or in conflict hereto be and the same are hereby repealed.

THUS, DONE AND ADOPTED in regular session duly convened on the \_10th\_\_\_ day of \_\_August\_\_\_\_\_, 2023 at Estherwood, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS NAYS ABSENT ABSTAIN

Emily Mire \_X\_\_\_ \_\_\_\_\_ \_\_\_\_\_\_ \_\_\_\_\_

Michael Mouton \_X\_\_\_ \_\_\_\_\_ \_\_\_\_\_\_ \_\_\_\_\_

Laney Broussard \_\_\_\_\_ \_\_\_\_\_ \_\_X\_\_ \_\_\_\_\_

WHEREUPON, the Mayor declared the above Ordinance be duly adopted on the \_10th\_\_\_\_ day of \_\_August\_\_2023.

ATTEST:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Beverly Nolan Donna Bertrand

Village Clerk Mayor

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**CERTIFICATE**

I, BEVERLY NOLAN, Clerk of the Village of Estherwood, do hereby certify that the foregoing Ordinance is a true and correct copy adopted by the Mayor and Board of Aldermen of the Village of Estherwood in regular session on August 10, 2023.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Beverly Nolan

Village Clerk