

City of Lake Charles, LA

Ordinance: 18783

An ordinance amending the Code of Ordinances for the City of Lake Charles, Louisiana to create Chapter 23 - Property Standards

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE CHARLES, LOUISIANA, in regular session convened, that:

SECTION 1: Chapter 6 Building, Construction and Occupancy Codes and Regulations, Division 2 Minimum Standards, Sec. 6-355 Screening of storage areas, of the Code of Ordinances for the City of Lake Charles, Louisiana, is hereby deleted.

SECTION 2: Chapter 13, Sec. 13-15 Storage or accumulation of junk items or materials; notice to owner, hearing, removal and related charges and fees, of the Code of Ordinances for the City of Lake Charles, Louisiana, is hereby deleted.

SECTION 3: Article II, Lot Cleanliness of Chapter 10 Health and Sanitation of the Code of Ordinances for the City of Lake Charles, Louisiana is hereby deleted.

SECTION 4: Chapter 13 Offenses and Miscellaneous Law Enforcement Provisions, Section 13-15 Storage or accumulation of junk items or materials; notice to owner, hearing, removal and related charges and fees, of the Code of Ordinances for the City of Lake Charles, Louisiana, is hereby deleted.

SECTION 5: Article V, Development Regulations, Part 2 Regulations of General Applicability, Section 5-203 of Appendix A -Zoning of the Code of Ordinances for the City of Lake Charles, Louisiana, is hereby amended and reenacted by deleting Subsections (11), (12) and (13).

SECTION 6: Chapter 2, Administration, Article IX. Administrative Adjudication, Section 2-104 Definitions, of the Code of Ordinances for the City of Lake Charles, Louisiana is hereby amended and reenacted to read as follows:

"2.104. - Definitions.

The following definitions shall apply in the interpretation of the provisions of sections 2-101 through 2-112 set forth herein this article.

- 1) *Alleged violator* shall mean the owner of the property and any known tenant or lessee of the property; and any person who has been determined by the enforcement agency to be responsible for a violation of any ordinance covered by this section.
- 2) *Building Code* means Chapter 6 of the Code of Ordinances of the City of Lake Charles.
- 3) *Environmental ordinances* means the provisions of the following sections of the Code of Ordinances of the City of Lake Charles, to wit: Section 6-95; Section 6-358; Sections 9-5 through 9-11; Sections 9-14 through 9-15; Sections 9-22 through 9-25; Sections 13-13 through 13-13.2; Section 13-15 through 13-14.5; and Sections 18-8 through 18-8.1.
- 4) *Fire Code* means Chapter 8 of the Code of Ordinances of the City of Lake Charles.
- 5) *Historic District Ordinances* means Section 5-307 of Appendix A-Zoning of the Code of Ordinances of the City of Lake Charles.
- 6) *Housing Ordinances* means the provisions of the following Sections of the Code of Ordinances of the City of Lake Charles, to wit: Sections 6-340 and 6-343.
- 7) *Property Standards Ordinances* means Chapter 23 of the Code of Ordinances of the City of Lake Charles.
- 8) *Public Health Ordinances* means the provisions of the following Sections of the Code of Ordinances of the City of Lake Charles, to wit: Chapter 4 entitled as "Animals and Fowl", Section 23-1 through Section 23-5 and Section 23-8; Sections 13-120 through

13-121; and Section 21-71 through 21-75.3, and Section 21-76(3).

- 9) *Zoning Code* means Appendix A of the Code of Ordinances of the City of Lake Charles.”

SECTION 7: Chapter 2, Administration, Article IX. Administrative Adjudication of the Code of Ordinances for the City of Lake Charles, Louisiana is hereby amended and reenacted by adding a new subsection, said new subsection to be numbered and entitled “2-114. Penalties” to read as follows:

“Section 2-114. Penalties.

Except where the Code of Ordinances provides for a specific fine for a violation of the provisions set forth herein in this article, a civil fine may be imposed for a violation of said provisions in accordance with Section 1-8 of the Code of Ordinances. Any fine imposed pursuant to this Article, for a violation of the above-stated provisions shall be deemed a civil penalty and shall not require criminal prosecution or conviction; and, to this end, any violation of any provision set forth in this Article shall be deemed a civil violation.”

SECTION 8: The Code of Ordinances for the City of Lake Charles, Louisiana, is hereby amended and reenacted by adding a new Chapter entitled “Chapter 23 - Property Standards”, said new Chapter to read as follows:

“Sec. 23-1. Purpose. Establish standards for all developed and undeveloped lots in the city in order to:

- a) Enhance the aesthetic qualities of the City of Lake Charles,
- b) Conserve and maintain property values,
- c) Protect the health of the public, and
- d) Provide for public safety.

Sec. 23-2. Definitions.

As used in this Chapter, the following terms shall have the following meanings:

Brush or Underbrush - any plant, vegetation or woody growth under one (1) inch in diameter.

City Lot - a tract or parcel of land, with or without improvements, within the city limits of Lake Charles.

Classic, antique or Vintage Cars - cars over 20 years old that are valued for historical reasons.

Commercial Vehicle - those vehicles exceeding one ton in size or having more than two axles, excluding motor homes used for recreation.

Cutting or Trimming - the removal of grass and/or weeds to an acceptable length, as measured above the finish grade, including the proper disposal of the cut grass and/or weeds so as not to form piles of dead vegetation.

Developed Lot - any city lot with manmade changes to the property which are typically installed at or above grade, including, but not limited to buildings, structures, slabs and other developments and excluding the grading or the harvesting of trees.

Easily Maintained Lots - any city lots which can be maintained or cut by a standard bush hog, tractor, lawnmower, weed eater or similar device.

Excessive Vegetative Growth - any vegetation which is more than the limits for the parcel, city lot, or area as provided in Section 23-3.

Fence - a structure on a city lot that is used to define boundaries, provide security, obstruct views and/or meet buffering requirements, or to provide a landscaping or architectural purpose.

Inoperable Motorized Vehicle - a motorized vehicle that, in its present condition, is not operational or functional for its intended purpose. Examples of Inoperable Motorized Vehicles may include, but are not limited to, the following:

1. Damaged to such an extent as to render it unlawful to operate on any public roadway because of issues such as broken head or taillights, broken windshields, flat tires, and missing steering wheel or seats;
2. Is in a condition of long-term neglect as demonstrated by windows being open to the weather, vehicle or wheels sunken into the ground, and vehicle covered in mold growths; or
3. Has an inspection sticker or license plate expired for more than one (1) year.

Junk Vehicle - any vehicle meeting the following requirements:

1. Is extensively damaged as evidenced by, but not limited to, broken glass, missing tires or wheels, missing body or drive train parts; or
2. Is apparently inoperable.

Not Easily Maintained Lots - any city lots which cannot be maintained or cut by a standard bush hog, lawnmower, weed eater, or similar device. These are generally undeveloped, unchanged, unimproved wooded/forested properties.

Operable Vehicle - a motorized or a non-motorized vehicle that is operational and functional for its intended purpose.

Owner - the named owner of a city lot as indicated by the records of the Calcasieu Parish Tax Assessor.

Piles or Accumulations - a stockpile of materials on a city lot, normally stored for an intended purpose such as landscaping, raising property elevations, home construction, or shoreline stabilization.

Person - any individual, partnership, corporation, unincorporated association, other business organization, committee, board, trustee or receiver.

Shrubs - a low woody plant, usually several-stemmed, that is normally less than two (2) inches in diameter and less than eight (8) feet tall and including ornamental grasses.

Storage - the action or method of storing something for future use.

Storage Area - the physical area on a city lot, including covered or enclosed areas, where something is stored.

Tree - a woody plant having a well-defined stem or trunk, a more or less definite crown, a height at maturity of at least eight (8) feet, and the trunk diameter exceeds two (2) inches.

Undeveloped Lot - any city lot without manmade changes to the property, structures or other improvements, excluding grading and tree harvesting.

Unimproved, Unchanged and Undeveloped Wooded/Forested Lot - any city lot which cannot be easily maintained or cut by a standard bush hog, tractor, lawnmower, weed eater or similar device.

Vegetation - includes, but is not limited to, weeds, woody vines, grass and uncultivated plants.

Vehicle - motorized or non-motorized transport equipment including, but not limited to, automobiles, motorcycles, trucks, buses, motorized recreational vehicles, off-road vehicles, four-wheelers, or mobile construction equipment, campers, travel trailers, boat trailers, utility trailers, or similar apparatus capable of moving or being moved on the public right-of-way.

Sec. 23-3. Excess Vegetative Growth

- a) Excess Vegetative Growth on a developed lot or undeveloped lot exists when:
 - 1. Vegetation grows to a height of twelve (12) inches tall or more;
 - 2. Vegetation grows horizontally across sidewalks or street curbs by a length of six (6) inches or more;
 - 3. Fence lines are not clear of unintended vegetation; or
 - 4. Vegetation becomes a haven for rodents or other dangerous animals and insects.
- b) On Easily Maintained Lots of five (5) acres or less in size, the following are prohibited:
 - 1. Excess Vegetative Growth within ten (10) feet of a property line.
 - 2. Excess Vegetative Growth on more than twenty-five (25) percent of any given area of the city lot.
 - 3. Brush or underbrush within ten (10) feet of a property line.
 - 4. Any downed tree within ten (10) feet of a property line, public right-of-way or street.
- c) On Easily Maintained Lots of more than five (5) acres in size, the following are prohibited:
 - 1. Excess Vegetative Growth within one hundred (100) feet of a boundary line of a property or within one hundred (100) feet of any street or roadway.
 - 2. Excess Vegetative Growth on more than twenty-five (25) percent of any given area of the city lot.
 - 3. Brush or Underbrush within ten (10) feet of a property line.
 - 4. Any downed tree within ten (10) feet of a property line, public right-of-way, or street.
- d) On Not Easily Maintained Lots, the following are prohibited:
 - 1. Excess Vegetative Growth within five (5) feet of a boundary line of a Developed Lot, public right-of-way or street.
 - 2. Brush or Underbrush within five (5) feet of a boundary line.
 - 3. Any downed tree within five (5) feet of a property line, public right-of-way, or street.
 - 4. Where an inhabited dwelling exists on the adjacent Developed Lot, the following are prohibited for a distance of up to fifteen (15) feet of the dwelling:
 - a. Excess Vegetative Growth,
 - b. Brush or Underbrush
- e) Flower beds, gardens, and other intentional plantings that are maintained within proximity of a city lot line are not Excess Vegetative Growth.

Section 23-4. Trash and Debris

- a) Trash and Debris on city lots is a term used to describe the presence of materials not associated with a well-maintained residential area or a well-run commercial endeavor. Trash and Debris is prohibited when:
 - 1. Trash, garbage, rubbish, refuse, or debris are presented on the city lot and /or the abutting sidewalks, the banquette, or the neutral ground, or
 - 2. Any junk, discarded or abandoned appliances, auto parts, tires, metals, iron or any other discarded or abandoned items are present on the city lot, unless said materials are located within a duly designated junk or salvage yard.

Sec. 23-5. Piles and Accumulations

- a) Piles and Accumulations of materials on city lots shall:
 - 1. Not block or impede natural drainage in the surrounding area;
 - 2. Be in compliance with Section 23-3 provisions for Excess Vegetative Growth and brush and underbrush;
 - 3. Be in compliance with Section 23-4 provisions for Trash and Debris; and
 - 4. Comply with city stormwater management and permitting requirements.
- b) Piles and Accumulations shall be leveled or used for the intended purpose within ninety (90) days. Extensions may be granted, for valid reasons, by the director of planning or his designee provided that the owner of the city lot, or his representative, submits a written request that includes a detailed explanation.
 - 1. Permitted activities, such as residential or commercial construction, are not subject to this limitation.
- c) Any permits required, including a city grading permit and Corps of Engineer permit (if required), shall be obtained prior to the creation of a Pile or Accumulation.

Sec. 23-6. Vehicles

The parking and storage of vehicles on city lots is governed by the following requirements:

- a) No vehicle shall be parked or stored on vacant city lots.
- b) Other than Single-Family and Multi-Family Uses. It shall be unlawful for any person to

allow storage of any junk vehicle or inoperable motorized vehicle on any city lot, except for:

1. Any vehicle or part thereof which is completely enclosed within a building in a lawful manner.
 2. Any vehicle or part thereof which is stored in a rear or side yard and is screened by a fence meeting the requirements of Section 23-7.
 3. Any vehicle or part thereof parked or stored in a lawful manner in connection with the business of a licensed dismantler, junk salvage/wrecker yard, or licensed vehicle dealer or repair facility that is fenced in accordance with either Section 12-43 for junk, salvage, and similar operations or Section 23-7 for other establishments.
- c) Single Family and Multi-Family Uses.
1. No parking or storage of junk vehicles is allowed.
 2. Operable Vehicles
 - a. Within front yard setback:
 - i. Parking is permitted in an enclosed structure (garage)
 - ii. Parking is permitted on a designated driveway having an approved surface of concrete, blacktop, gravel or equivalent.
 - iii. Only one (1) parked may be covered with a cover designed for the vehicle. No other covers are permitted. Tarpaulins and general-use makeshift covers shall not be allowed.
 - iv. No more than one (1) parked vehicle will be allowed on unimproved surfaces.
 - v. Parking of inoperable vehicles is prohibited.
 - vi. Vehicles shall be kept clean of debris, shall be free of flat tires, and shall not be stored on blocks or stands.
 - b. Within Side or Rear Yard (behind front building line):
 - i. Parking of Operable Vehicles not meeting Front Yard Setback requirements is permitted.
 - ii. Parked vehicles must be screened from view by a fence meeting the requirements of Section 23-7.
 3. Inoperable Vehicles:
 - a. Parking is permitted in an enclosed structure (garage)
 - b. Parking is permitted in the side or rear yard when screened by a fence meeting the requirements of Section 23-7.
 - c. An inoperable vehicle stored in the side or rear yard shall be covered with cover designed for the vehicle. No other covers are permitted. Tarpaulins and general-use makeshift covers shall not be allowed.
 - d. Only one (1) inoperable vehicle may be stored in the rear or side yard.
 - e. Any inoperable vehicle not meeting the requirements of this section must be removed from the city lot.
 - f. Exceptions for Classic, Antique or Vintage cars being stored by a resident owner of the city lot may be permitted by the director of planning or designee.
 4. Parking of a Commercial Vehicle on a city lot is prohibited in all single-family and multi-family uses.

NOTE: The City Council suspends the prohibitions of this subsection regarding the prohibition of school buses and emergency vehicles being allowed in certain districts until such time as the City Council further directs.

Sec. 23-7. Exterior Storage Areas

- a) *Generally.* Exterior Storage Areas referenced in this chapter and located on city lots shall be obscured from surrounding properties by an opaque fence constructed of materials such as wood, masonry, vinyl, or chainlink fences, with installed slats.
- b) Standards related to storage.
 1. Storage shall be orderly.
 2. Storage shall not contain excess vegetative growth, trash and debris, or non-compliant brush or underbrush.
 3. Storage shall not allow vegetation or trash and debris to become a haven for rodents or other dangerous animals and insects.
 4. Storage Areas are intended for materials that will be reused. Storage does not equate to disposal of materials. Waste materials shall not be stored on city lots.
- c) Standards related to fencing.

1. Minimum fence heights are six (6) feet for residential lots and eight (8) feet for commercial lots. Fences shall not exceed ten (10) feet in height.
 2. Planks or slats must be spaced further apart than 0.25 inches.
 3. Fences must be properly maintained.
- d) Commercial City Lots shall provide access to city inspectors, as necessary, to determine compliance.
- e) Section 12-43 of the Code of Ordinances outlines specific requirements for fencing of junk, salvage, and similar types of operations.

Section 23-8. Violation Notice and Procedures - Excess Vegetative Growth and Trash and Debris on City Lots.

a) Notice of Violation

1. For both excess vegetative growth and trash and debris, when any premises within the city are not maintained in accordance with the provisions of Section 23-3 and Section 23-5, no such work shall be undertaken by the city pursuant to this article until the owner of the lot, place, or area, or the owner of the abutting property where excess vegetative growth or trash and debris are to be removed, as shown on the last assessment roll duly filed with the tax assessor's office, has an opportunity of doing the work himself within at least five (5) days after notice has been given him by advertisement in the official journal of the city within which same is located for two (2) consecutive days or after notice has been given him by mail, addressed in accordance with the tax rolls of the city.
2. For excess vegetative growth, the municipal governing authority may undertake the cutting, destruction, or removal on any property within the municipality on a monthly basis without the notice required by this section, if the property owner liable has been notified pursuant to this section at any time during the immediately preceding twelve (12) months and has failed to do the work himself after opportunity to do so. However, prior to undertaking such work, the municipal governing authority shall file and record an affidavit, signed by the Mayor of the municipality or his designee, at its administrative office. Such affidavit shall include the following, as described in R.S. 33:5062:
 - 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 twelve (12) months failed to do such work after notification and opportunity to do so pursuant to this section.

b) Services Notices.

The notice shall be given to the person owning or occupying the premises at his last known address. Notice directed to the person owning the premises as shown on the last assessment rolls shall be sufficient to constitute notice to the person actually owning the premises. If pursuant to Section 23-6(a)(a), notice is given by advertisement in the official journal, no further notice shall be required.

c) Presumption of receiving notice.

The notice shall be presumed to have been received by the person owning or occupying the premises when deposited in the United States post office for delivery to such person.

d) Punishment of violation.

Upon failure, neglect or refusal of such person owning or occupying the premises to comply with the notice, provide the notice was properly addressed to the last known address of the person owning or occupying the premises, the person owning or occupying the premises shall be deemed in violation of this Code and subject to the penalties set out in Section 1-8 of this Code. In the event the person owning or occupying the premises is a corporation, each officer and director thereof shall be deemed in violation of this Code and subject to the penalties set out in Section 1-8 of this Code.

e) Abatement by city -Authority.

In default of the cutting, destroying or removing from the lot or tract, or adjacent sidewalks, banquettes or neutral grounds any excess vegetative growth, the Mayor of the city, or his duly authorized representative, is authorized and empowered, at the expense of the person owning the premises or the abutting lot or tract, to either perform with the city forces or to contract with private businesses, individuals, partnerships or corporations, for the cutting,

destroying and removing of such excess vegetative growth and non-compliant materials from said lot or tract, or abutting sidewalks, banquettes or neutral grounds.

f) Charges and interest payable for addressing excess vegetative growth and trash debris.

1. The actual cost of the work and cleaning the premises, whether performed by city forces or by contract, plus accrued interest at the judicial rate of interest, as provided in R.S. 9:3500, as the same presently exists or as the same may hereafter be amended, per annum from the date of the completion of said work.
2. Notwithstanding any prior provisions to the contrary, the minimum total charge for work contemplated by this section shall be \$100.00 which includes the \$50.00 administrative fee.
3. Said fees shall be charged to the person owning the premises, which charge shall be due and payable on the date of completion of said work.
4. Additionally, the following rates apply for work related to excess vegetative growth:
 - a. \$50.00 per hour for bush hog work, or other mowing that requires the use of ride-on equipment with cutting width larger than 54 inches or engine size greater than 21 horsepower, or debris removal that requires the use of heavy equipment.
 - b. \$25.00 per hour for hand work, hand mowers, riding mowers smaller than indicated in Subsection (i), handheld trimmers and other similar equipment, trash pickup, hand debris removal, underbrush clearing, or other similar activity.
 - c. Other expenses not included in subsection (*i) or (ii) must be approved by the inspector prior to the work being performed. Expenses for debris disposal shall be the actual cost of disposal at a licensed disposal facility, plus \$15.00 for transportation. Any and all expense reimbursement requests shall be for the actual cost and be validated by a third party receipt.
 - d. \$50.00 City of Lake Charles administrative fee, which includes a \$5.00 technology/computer fee.

g) Imposition of lien; collection and placement on tax rolls.

1. If, after the work has been done as provided in this article, after due notice as above provided, the costs or expense thereof have not been paid within ten days, the director of finance of the city shall furnish the owner, as shown on the last assessment roll of the city, by registered mail, a written statement showing the cost or expense incurred for the work, and the place or property on which the work was done. If the statement is not paid within one month thereafter, the amount thereof shall be due and collectible in the manner set forth in this section.
2. Upon the failure of the owner or occupant of any lot or tract of land to pay the cost of cutting, destroying or removing from a lot or tract or adjacent sidewalks, banquettes or neutral grounds all excess vegetative growth and trash debris, within 30 days after the notice provided herein, the mayor or his designee is hereby authorized to record in the mortgage records of the parish, a sworn statement showing the cost incurred for the work and the date, place or property upon which the said work was done.
3. The recordation of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the full amount due in principal, penalty, and interest, plus costs of court, if any, for collection, for a period of ten years from the date of filing.
4. The costs and expenses shall be collected in the manner fixed for the collection of taxes, and shall be subject to a delinquent penalty of ten per cent in the event same is not paid in full on or before one month after the notice provided for in this section.
5. Sworn statements recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and shall be full notice to every person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described by the statement and the same is due and collectible as provided by law.
6. In addition to the procedures set forth in this section, if, after the cutting, destruction or removal of excess vegetative growth, by the city or those with who it contracts, after due notice as above provided, the cost or expense thereof has not been paid within ten days, and after written notice by registered mail, as provided in this section, the costs thereof shall be collectible in the amount of as hereinafter provided. If the said statement is not paid within one month thereafter, the amount thereof shall be included in and shall form a part of the ad valorem taxes on said lot or tract due by the owner of said property, and shall be collectible in the manner provided for unpaid ad valorem taxes against immovable property, and when

collected shall be credited to the general fund of the city, in accordance with the provisions of LSA R.S. 33:5062 and 5063.

Section 23-9. Violation Notice and Procedures - Vehicles on Private Property

- a) Notice of violation.
 - 1. A vehicle violation placard shall be placed on the vehicle in question when such placement can be done in a safe manner. This placard shall denote the location, date, violation details, make, model, color, vehicle ID number if accessible, and any descriptive information to identify the vehicle. Contact information for the code enforcement officer will also be given.
 - 2. As vehicle violation letter shall be sent by certified, return receipt mail to the owner on record of the property on which the vehicle is located and to the vehicle owner if known. This letter shall contain all information on the placard, details for correcting the violation and for requesting a hearing on the matter. Alternately, personal delivery of a violation notice to the vehicle owner satisfies this requirement.
- b) Hearing
 - 1. The owner(s) involved may request a hearing to contest the placarding of the vehicle within ten days of the mailing of the letter.
 - 2. The hearing shall be held at the earliest time convenient to the owner and the city . Any evidence/testimony shall be presented by both sides at that time. All actions relating to the removal of the vehicle shall be suspended until the conclusion of the hearing.
- c) Abatement or removal.
 - 1. The owner of the vehicle may correct the violation by removing the vehicle lawfully, storing or covering the vehicle as per Section 23-4(b).
 - 2. If the vehicle is not removed by the given date and no hearing is requested, or the hearing finds in favor of the violation charge, the vehicle may be removed immediately by an approved towing service at the owner's expense."

SECTION 9: All other paragraphs, subsections, subparagraphs, clauses, phrases and words of this section, not specifically amended by this ordinance, are to remain the same.

I, Lynn F. Thibodeaux, Clerk of the Council, certify that this is a true copy of Ordinance number 18783 passed by the City Council on 10/21/2020.