

The following Ordinance was offered by Kenneth "Ken" Stansbury and seconded by Lindy Bolgiano:

**ORDINANCE NO. 474-2022**

**AN ORDINANCE OF THE CITY OF YOUNGSVILLE, LOUISIANA TO AMEND  
CHAPTER 12 “NUISANCES” TO ADOPT PROVISIONS RELATING TO COST  
RECOVERY FOR NUISANCE ENFORCEMENT ACTIONS**

**BE IT ORDAINED** by the Mayor and City Council of the City of Youngsville that:

**WHEREAS**, it is desirable for the protection and enhancement of public health, safety and welfare to regulate and require the abatement of nuisances in the City of Youngsville;

**WHEREAS**, it is undesirable for the costs incurred in the abatement of nuisance on private property to be paid by the public;

**WHEREAS**, it is the express intent of the City Council to authorize the City of Youngsville to recover all costs incurred in the abatement of nuisance(s) on private property

NOW, THEREFORE, BE IT FURTHER ORDAINED by the City Council of the City of Youngsville that:

**SECTION 1:** All of the aforescribed “WHEREAS” clauses are herein adopted as part of this ordinance.

**SECTION 2:** The City of Youngsville Code of Ordinances, Chapter 12 “*Nuisances*,” Article I “*In General*,” Section 12-5 “*City actions to correct nuisance*” is hereby amended and supplemented as follows:

If after 15 days have passed since the notice provided in section 12-3 has been received by the property owner, lessee, or occupant, and the property owner, lessee or occupant has failed to comply with the provisions of this chapter, the mayor or his designee shall be authorized, empowered, and directed to cause the premises to be cleaned by removal and disposal of all nuisances from the property or abutting sidewalks and the actual cost plus an administrative fee associated with the nuisance abatement as set forth in section 12-6 shall be incurred by the property owner.

**SECTION 3:** The City of Youngsville Code of Ordinances, Chapter 12 “*Nuisances*,” Article I “*In General*,” Section 12-6 “*Processing of costs incurred*” is hereby amended and supplemented as follows:

If ten days have elapsed since the removal or destruction of all nuisances have been completed by the city, as prescribed in section 12-5, or upon actions taken by the city without notice as described in section 12-9 and the property owner, lessee, or occupant has not paid the costs or expenses incurred thereby, the mayor or his designee shall furnish the property owner by registered or certified mail at the address shown upon the tax records of the parish tax assessor/collector a written statement showing the costs or expenses incurred for the work, and the place or property on which the work was done. If the statement is not paid within 30 days thereafter, or if the registered or certified mail notice is returned as undeliverable, the following amounts shall be assessed and included in and form part of the taxes due by the property and the owner, and when collected shall be credited to the general fund of the city:

1. The city’s direct cost(s) and expenses for abatement;
2. All fees and costs associated with lien filing and cancellation; and
3. An administrative fee equal to 25% of the direct cost(s) for abatement with a minimum fee of \$100.00. The administrative fee will cover all applicable overhead of municipal staff and contract personnel involved in the inspection, investigation, enforcement, and/or remediation or abatement of a violation; fees associated with processing the notice and citation, serving, sending, and/or providing notice to the owner, lessee or occupant; attendance at hearing(s), and any other administrative tasks required in the City’s enforcement action(s) to bring nuisance violation(s) into compliance.

**SECTION 4:** The City of Youngsville Code of Ordinances, Chapter 12 “*Nuisances*,” Article I “*In General*,” Section 12-9 “*Repeated Violations*” is hereby amended and supplemented as follows:

In the event that any property owner, lessee, or occupant has failed to remove cited nuisances at any time during the immediate preceding six-month period documented by the prescribed actions in section 12-3, and there is a subsequent violation of this chapter by the owner, lessee or occupant, the city may undertake the removal of all additional nuisances without notice, and the costs or expenses incurred by the city along with the administrative fee as set forth in section 12-6 will be collectible as outlined in sections 12-6 through 12-8. However, prior to taking action without notice, the mayor or designee will file and record an affidavit

signed by the mayor or his designee of the city at city hall. This affidavit shall include the following:

- (1) The most accurate description available of the lot in question;
- (2) A dated photograph of the lot that is sufficient to identify the need for removal of the nuisance; and
- (3) A statement that indicates the property owner, lessee, or occupant has failed to perform such work, and the city removed nuisance from this property within the six months preceding this affidavit.

**SECTION 5:** The City of Youngsville Code of Ordinances, Chapter 12 “*Nuisances*,” Article I “*In General*,” Section 12-10 “*Authority to enter property where nuisances exist*” is hereby amended and supplemented as follows:

The mayor or his designee is hereby authorized to enter property found to be in violation of this chapter, and to remove or repair any nuisance on unoccupied or occupied property, or on any lot, place or area, provided no such work shall have been undertaken by the property owner, lessee, or occupant at least 15 days after previous notice has been given to the owner, lessee, or occupant, or the stipulations of section 12-9 have been properly documented. Furthermore, if the nuisances are within an area enclosed by a fence or other barrier which blocks access equipment required to remove or repair said nuisance, the mayor or his designee is hereby authorized to take any prudent actions needed to provide access for that required equipment. These prudent actions can include, but not be limited to, temporary removal of sections of fencing and installations of temporary culverts. It will be the occupant's responsibility to secure and provide for the wellbeing of any pets or livestock normally restricted by this fence or barrier during the work required to restore the property to the conditions specified by this chapter. Upon completion of the required removal or repair of the nuisance, all fences and barriers will be returned to their prior state, as evidenced by photographs that illustrate before and after conditions of said fences and barriers. All costs incurred by the city in performing the tasks herein described shall be collectible, as described in sections 12-6 through 12-8, including the administrative fee as set forth in section 12-6.

**SECTION 6:** The City of Youngsville Code of Ordinances, Chapter 12 “*Nuisances*,” Article I “*In General*,” Section 12-11 “*Nuisances that exist on lots with unknown owners*” is hereby amended and supplemented as follows:

If the property owner, lessee, or occupant of a lot in violation of this chapter is unknown, or cannot be contacted via registered or certified mail, a search of public records will be made and recorded in the city hall to identify the owner, lessee, or occupant. If after this search the property owner, lessee, or occupant remains unknown, or cannot be contacted by registered or certified mail as outlined in section 12-3, the mayor or his designee will be authorized to enter the property and remove all nuisances and the associated costs along with the administrative fee set forth in section 12-6 shall be assessed and included in and form part of the taxes due by the property and the owner, and when collected shall be credited to the general fund of the city. Section 12-7 shall also apply.

**SECTION 7:** The City of Youngsville Code of Ordinances, Chapter 12 “*Nuisances*,” Article II “*Weeds And Noxious Growths*,” Section 12-45 “*Removal*” subsections (g) and (j)-(l) are hereby amended and supplemented as follows:

- (g) If ten days have elapsed since the cutting and/or removal or destruction of all noxious weeds or grass or other deleterious, unhealthy or noxious growths or accumulations has been completed as prescribed in subsection (f) of this section, or upon actions taken by the city without notice as described in subsection (j) of this section for cutting or removal, and the property owner, lessee, or occupant has not paid the costs or expenses incurred thereby, the mayor or designee shall furnish the property owner, by registered or certified mail, at the address shown upon the tax records of the city a written statement showing the costs or expenses incurred for the work, the administrative fee set forth in section 12-6, and the place or property on which the work was done. If the statement is not paid within 30 days thereafter, or if the registered or certified mail notice is returned as undeliverable, the actual cost thereof plus the administrative fee, and all fees and costs associated with lien filing and cancellation shall be assessed and included in and form part of the taxes due by the property and the owner, and when collected shall be credited to the general fund of the city.
- (j) In the event that the property owner, lessee, or occupant has failed to remove cited noxious weeds or grass or other deleterious, unhealthy or noxious growths at any time during the immediate preceding six-month period as documented by the prescribed actions in subsection (d) of this section herein, and there is a subsequent failure by the owner, lessee or occupant to comply with this article, the city may undertake the monthly cutting, destruction, or removal of the noxious weeds, or grass or other deleterious, unhealthy, or noxious growths without notice, and the costs or expenses incurred by the city, including the administrative fee set forth in section 12-6, will be collectible as outlined in subsections (g) through (i) of this section. However, prior to taking action without notice, the city clerk will file and

record an affidavit signed by the mayor or his/her designee at the city hall. This affidavit shall include the following:

the following:

- (1) The most accurate description available of the lot in question;
  - (2) A dated photograph of the lot that is sufficient to identify the need for cutting, destroying, or removing weeds, grass, or other noxious growths; and
  - (3) A statement that indicates the property owner, lessee, or occupant has failed to perform such work, and the city removed the noxious weeds, or grass or other deleterious, unhealthy or noxious growths within the six months preceding this affidavit.
- (k) The mayor or his designee is hereby authorized to enter property found to be in violation of this article, and to cut, rake and remove any noxious weeds or growth or deleterious, unhealthy or noxious growths over ten inches in height on unoccupied or occupied property, or on any lot, place or area, provided no such work shall have been undertaken by the property owner, lessee, or occupant at least ten days after previous notice has been given to the owner, lessee, or occupant, or the stipulations of subsection (j) of this section have been properly documented. Furthermore, if the noxious weeds or growth or deleterious, unhealthy or noxious growths are within an area enclosed by a fence or other barrier which blocks access by lawn care equipment required to cut, rake and remove said growths, the mayor or his designee is hereby authorized to take any prudent actions needed to provide access for that required equipment. These prudent actions can include, but not be limited to, temporary removal of sections of fencing and installations of temporary culverts. It will be the occupant's responsibility to secure and provide for the wellbeing of any pets or livestock normally restricted by this fence or barrier during the work required to restore the property to the conditions specified by this article. Upon completion of the required cutting and removal of the noxious weeds, grass, or other deleterious unhealthy or noxious growths, all fences and barriers will be returned to their prior state, as evidenced by photographs that illustrate before and after conditions of said fences and barriers. All costs incurred by the city in performing the tasks herein described, including the administrative fee set forth in section 12-6, shall be collectible, as described in subsections (g) through (i) of this section.
- (l) If the property owner, lessee, or occupant of a lot with noxious weeds or growth or deleterious, unhealthy or noxious growths is unknown, or cannot be contacted via registered or certified mail, a search of public records will be made and recorded in the city hall to identify the owner, lessee, or occupant. If after this search the property owner, lessee, or occupant remains unknown, or could not be contacted by registered or certified mail as outlined in subsection (e) of this section, the mayor or his designee will be authorized to enter the property and remove any noxious weeds or

growth or deleterious, unhealthy or noxious growths and the associated costs shall be assessed, including the administrative fee set forth in section 12-6, and included in and form part of the taxes due by the property and the owner, and when collected shall be credited to the general fund of the city. Subsection (h) of this section shall also apply.

#### **SECTION 4: EFFECTIVE DATE OF ORDINANCE:**

This ordinance shall take effect October 13, 2022.

This ordinance having been introduced on September 8, 2022 was submitted for a vote and the vote therein was as follows:

YEAS: Kayla Menard Reaux, Lindy Bolgiano, Matt Romero, Kenneth "Ken" Stansbury, Shannon D. Bares.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

The ordinance was adopted on this the 13th day of October, 2022.

/s/ Nicole Guidry  
Nicole Guidry, City Clerk

/s/ Ken Ritter  
Ken Ritter, Mayor