



ST. CHARLES PARISH

PAUL J. HOGAN, PE
COUNCILMAN, DISTRICT IV

MEMORANDUM

DATE: NOVEMBER 18, 2008

TO: MR. MARCUS M. LAMBERT, CHAIRMAN
LEGISLATIVE COMMITTEE

FROM: PAUL J. HOGAN, PE
COUNCILMAN, DISTRICT IV

I am requesting that you consider putting on the Legislative Committee Meeting Agenda the following two items:

- Collecting and Disposing of tree and/or trimmings
- Amending Chapter 16, Article III, Weeds, Grass, Etc.

The two draft ordinances are attached for your review.

Thank you.

PJH/BJT128/118:ag

attachments

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INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV
ORDINANCE NO. _____

An ordinance of the Parish of St. Charles providing that the Code of Ordinances, Parish of St. Charles be amended by adding _____.

WHEREAS, clarification is needed with regards to which party is responsible for collecting and disposing tree and/or tree trimmings; and,

WHEREAS, clarification is needed with regards to which party is responsible for certain size tree and/or trees trimmings to be collected and disposed; and,

WHEREAS, the removal of trees by the Parish's solid waste disposal contractor is done at a premium cost to the tax payers of the Parish; and,

WHEREAS, the requirement of individuals obtaining a no-cost permit prior to the placement of trees within the street right of ways will provide a means by which the Parish can reduce expenses paid by taxpayers,

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I: That _____ be amended by adding the following:

_____:

Tree Disposal Permit:

Tree(s) removed by residents and placed in the street right of way immediately adjacent to the property from which the tree came shall be removed and disposed of by the Parish provided the property owner has obtained a no-cost Tree Disposal Permit (TDP) prior to the removal of the tree. The TDP shall be made available at the **[decision needed: Planning and Zoning Department or Public Works Yard]**. The Parish shall clearly review the disposal requirements with those obtaining a TDP at the time of application. The resident shall clearly identify by flagging or other means the tree(s) to be removed. A representative of the Parish shall make a scheduled visit to the site to document the tree(s) to be removed. A copy of the TDP shall be forwarded to the Public Works Department. Tree(s) shall not be placed within the roadway nor within any roadside ditch so as not to block vehicular traffic and/or drainage. Tree(s) placed on the street right of way by residents without having first obtaining a TDP are to be disposed of by the resident with no exceptions. In such cases, residents shall have seven (7) calendar days after Parish notification of the violation to remove the debris. Failure to meet the seven (7) day requirement shall cause the Parish to dispose of the debris. The cost for the disposal shall be the responsibility of the property owner and shall

be payable within fourteen (14) day of notification via certified mail and simultaneous advertisement in the official Parish journal. Cost not paid within the allotted time shall be attached to the property owner's ad valorem tax bill. Stump(s) disposal shall be the responsibility of the property owner and are prohibited from being placed within the Parish right of way.

Tree trunks to be placed for pick-up by the Parish shall be cut to lengths in accordance with the following Diameter / Length Chart:

<u>Diameter</u>	<u>Length</u>
12" or less	8'
Over 12" & up to 18"	6'
Over 18" & up to 24"	4'
Over 24" & up to 30"	3'
Over 30"	2'

Residents with a TDP shall immediately notify the Public Works Department upon the placement of the removed tree(s) as specified above so that pick-up can be scheduled by the Public Works Department. In no case shall the Public Works Department collect a tree(s) placed for pick-up without having the required TDP except after proper notification as specified above.

The Parish's solid waste collector is responsible for collecting and disposing shrub, brush, and tree trimmings provided the tree trimmings equate to a tree with a diameter of 6" or less. These trimmings shall be securely tied together forming an easily handled package not exceeding 6 feet in length and/or 70 lbs. in weight.

Tree(s) and/or tree(s) equivalents with a diameter of 6" or less that meet the requirement for solid waste disposal are exempt from the TDP requirement and can be properly placed for pick-up. A TDP shall not be required for tree(s) and/or tree(s) equivalents which shall remain and disposed of on the property from which it came.

The placement of removed trees for Parish collection in locations other than within the street right of way immediately adjacent to the property from which the tree came is strictly prohibited. Individuals which are found to be in violation of this prohibition shall be assessed a fine in the amount of \$1,500 per each violation.

Contractor Tree Disposal Permit:

A Contractor Tree Disposal Permit (CTDP) is required for tree(s) to be taken down by a contractor. A CTDP shall be applied for directly by the contractor who shall be issued the permit upon the payment of a CTDP fee in the amount of \$500. The CTDP shall be

made available at the **[decision needed: Planning and Zoning Department or Public Works Yard]**. The Parish shall clearly review the disposal requirements with contractors obtaining a CTDP at the time of application. The contractor or resident shall clearly identify by flagging or other means the tree(s) to be removed. A representative of the Parish shall make a scheduled visit to the site to document the tree(s) to be removed. Tree(s) to be taken down and removed of by the contractor shall be disposed of by the contractor at an authorized facility or location which shall be identified on the CTDP. Upon providing evidence of disposal the identified authorized disposal facility, the CTDP fee shall be refunded to the contractor. For tree(s) which are to be taken down by a contractor that are to be left on site for on site disposal, the contractor shall notify the Parish at the time of application. These particular tree(s) are prohibited from being placed for Parish pick-up.

Tree removal contractors which are found to have improperly disposed of removed tree(s) shall be assessed a fine in the amount of \$1,500 per each violation.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this _____ day of _____, 2008, to become effective five (5) days after publication in the Official Journal.

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____

2008-0276

**INTRODUCED BY: PAUL J. HOGAN, PE, COUNCILMAN, DISTRICT IV
ORDINANCE NO. _____**

An ordinance to amend the Code of Ordinances, Parish of
St. Charles, Chapter 16, Article III. Weeds, Grass, Etc.

THE ST. CHARLES PARISH COUNCIL HEREBY ORDAINS:

SECTION I. That Chapter 16, Article III. Weeds, Grass, Etc. be replaced in its
entirety with the following:

Sec. 16-24. Classifications and definitions.

The maintenance of all property within the Parish regarding the removal of
weeds, grass or other noxious matter will fall under one of the following
classifications or definitions:

- (a) *Adjudicated Property:* Property placed in the name of the Parish due to non-payment of taxes.
- (b) *Agricultural Property:* Any tract of land primarily used for farm purposes.
- (c) *Annual Notice:* Notice to the property owner of a potential violation of this article.
- (d) *Commercial Property:* Any tract of land primarily used for commercial/business purposes.
- (e) *Industrial Property:* Any tract of land primarily used for industrial purposes.
- (f) *Mini-Cleanup:* The process whereby trash must be removed from the property prior to conducting regular maintenance and a volumetric measurement being equal to one (1) cubic yard.
- (g) *Notice of Violation:* The notice of an existing violation of this article.
- (h) *Parish:* The Parish of St. Charles or any authorized agent of the Parish of St. Charles.
- (i) *Parish Property:* Property owned by the Parish.
- (j) *Pipeline and Transmission Corridor Right of Ways / Private Servitudes:* Property, by right of way or servitude, utilized for pipelines, electrical transmission lines, etc.
- (k) *Regular Maintenance:* The process of entering upon tract of land and removing or cutting all tall grass with equipment designated specifically for that purpose.
- (l) *Residential Property:* Residential property is subdivided into the 2 following categories:
 - (1) *Developed Residential Property:* Any residential lot upon which any building or structure exist.
 - (2) *Undeveloped Residential Property:* Any residential lot on which no building or structures has been placed or constructed following the creation of the property by subdivision action. Undeveloped residential properties adjacent to a residential or commercial use which are non-maintainable as defined below are exempt from the maintenance requirement with the exception of a minimum five (5) foot wide strip which shall be maintained immediately adjacent to property with a residential or commercial use.
 - a) *Maintainable:* Property which is generally open, relatively cleared, and well-drained. This property may contain a number of small and/or large un-obstructive trees which do not inhibit regular maintenance.
 - b) *Non-maintainable:* This property may be heavily wooded, may have significant undergrowth and bushes, and/or may be a low-lying area or a swampland type area that would preclude regular maintenance. This type of property is further

defined as being property upon which regular maintenance cannot be performed with standard maintenance equipment (push mowers and riding mowers).

- (m) *Tall Grass*: Any grass, weed, or vines more than twelve (12) inches long measured perpendicular to the ground.
- (n) *Trash*: Refuse, garbage, debris, abandoned or junked cars or other vehicles, rubbish, shopping carts, litter and any other deleterious, discarded or noxious matter.
- (o) *Underbrush*: Small trees, shrubs, vines, weeds, etc., growing beneath taller trees on lots adjacent to developed residential property.
- (p) *Undeveloped Property*: Any tract of land, squares/lots, or in whole (as existing prior to the adoption of this ordinance) with no part of it being used for agricultural, industrial, commercial, or residential purposes.

Sec. 16-25. Prohibited.

- (a) It shall be unlawful for the owner, or his agent, of any developed residential property within the Parish to permit the growth of tall grass, weeds, or vines upon the entire area of the subject property.
- (b) It shall be unlawful for the owner, or his agent, of any maintainable undeveloped residential property within the Parish to permit the growth of tall grass and/or weeds upon the entire area of the subject property if this maintainable undeveloped property abuts a residential or commercial use or comes to abut a residential or commercial use at some point in the future).
- (c) It shall be unlawful for the owner(s), or his agent(s), of any industrial, commercial or agricultural property within the Parish, in whole or in part, to permit the growth of tall grass and/or weeds within fifty-foot (50') of their property lines provided the property abuts a residential or commercial use. The width of the area along such property lines, which are maintained by the Parish as a result of Parish activities, associated with the maintenance of a servitude, or a servitude by use shall be considered sufficient and adequate in lieu of the fifty-foot (50') maintenance requirement. Fenced industrial facilities are exempt from this fifty-foot (50') maintenance requirement in cases where the area is adjacent to residential and commercial uses and the growth within this fifty-foot (50') area is utilized as part of a buffer zone to these uses. Agricultural property used for hay-baling purposes are exempt from the fifty-foot (50') maintenance requirement.
- (d) It shall be unlawful for the owner or his agent of property located within the Parish to allow the accumulation of trash except at property identified as a State authorized disposal facility.
- (e) Parish Property and Adjudicated Property shall be maintained by the Parish in accordance with the requirements of this Section.
- (f) The portions of pipeline and transmission pipeline and transmission corridor right of ways / private servitudes that fall within fifty-feet (50') of any Parish street and within one hundred and fifty feet (150') of any residential or commercial use are required to be maintained to prevent the growth of tall grass and/or weeds in accordance with the maintenance requirements specified within this ordinance.

Sec. 16-26. Notice to abate.

- (a) The Parish shall notify, by certified mail, the owner, or his agent, of any property on which tall grass and/or trash may be located

in violation of Section 16-25, to cut, destroy or remove such tall grass and/or trash from the premises involved, which notice shall be sent to the owner of such property (as shown on the latest assessment rolls of the Parish) or his agent. This notice will identify the property and notify the owner or his agent to perform any necessary work at his own expense within five (5) calendar days after receipt of the notice. In addition, notice shall concurrently be provided by publication of the notification in the official journal at the first possible publication date following the date of the certified mailing. Notice shall contain the following:

- (1) Identify the premises;
 - (2) Nature of the violation, including the specific provision(s) of the ordinance involved;
 - (3) The penalties, enforcement and/or abatement proceedings that the owner or his agent may be liable for if the violation is not resolved.
 - (4) Notification that the owner or his agent is to perform any necessary work at his own expense within five (5) calendar days after publication.
 - (5) Notification that future notice for abatement for repeat violations during the same calendar year shall only require the physical posting of the property five (5) calendar days prior to abatement by the Parish.
- (b) Subsequent violations during the remainder of the calendar year shall only require that a notice of cutting be physically posted on the subject property five (5) calendar days in advance of the abatement. The owner, or his agent, shall be notified of this preceding provision during the initial notification process as specified in (a) above. Pictures shall be taken immediately upon posting of the site to provide evidence of the physical posting and the existing site condition at the time of the posting.

Sec. 16-27. Abatement by Parish.

If the required work is not done by the property owner or his agent within five (5) days after receipt of written or published notice, the Parish may proceed to have the necessary work done either by Parish employees or an independent contractor. The owner will be charged a fee as provided for in the latest Grass Cutting and Clean-up Charges chart (herein referred to as the "chart") for every square foot of the lot cleaned by Parish forces and equipment. The contractor's fee for performing these services shall be at the rate provided for in the chart for every square foot of the lot cleaned. In the event a mini-cleanup is required prior to performing the above services, a fee as provided for in the chart per each mini-cleanup plus actual disposal fees will be assessed, not to exceed ten (10) mini-cleanups per each property in violation. On property where trash and/or debris accumulation is such that it requires heavy equipment, bulldozer, front-end loaders, etc., a mobilization fee and a removal fee as provided for in the chart will be assessed. An administrative fee as provided for in the chart shall be assessed on each invoice. A new Grass Cutting and Clean-up Charges chart with updated rates shall be adopted by the Parish concurrent with the adoption of this ordinance. The fees in this section shall be increased or decreased February first of each year by the change in CPI applicable to the U.S. cities average group, all urban consumers, all items, published by the U.S. Department of Labor, Bureau of Labor Statistics, for the preceding twelve-month period ending each November. The Department of Finance shall notify the Department of Planning and Zoning in writing annually of the revised fees.

Sec. 16-28. Collection of outstanding invoice; adding cost to ad valorem tax bill.
After the cutting, destruction or removal of tall grass and/or trash by the Parish pursuant to Section 16-27 and after due notice as provided in Section 16-26, the Parish shall furnish the owner a written notice showing the costs and expenses incurred for the work, as outlined in Section 16-27 above, and the place or property on which work was done. If the invoice is not paid within thirty (30) days thereafter, the invoice amount, clerk of court special assessment filing fee, lien cancelation fee, five-dollar notarial fee and postage cost plus a sheriff's collection fee of fifteen (15) percent of the principal amount of the invoice shall be included in and form part of the ad valorem taxes due on the property by the owner, and when collected shall be credited to the general fund of the Parish. The Parish shall adopt an ordinance levying the charges as an assessment to be added to the annual ad valorem tax bill of the property involved. The ordinance shall be forwarded to the tax collector of the Parish.

Sec. 16-29. Record of charges.

The Parish shall maintain a record of the charges authorized by Section 16-27 cross-indexed to the tax rolls, which shall be open to inspection at all times and which shall constitute legal notice to the purchasers of the property, or parties lending money thereon, of the assessment.

Sec. 16-30. Authority to impose a lien.

If the Parish accomplishes the cutting, destruction or removal of tall grass and/or trash, after due notice as provided in Section 16-26, upon property which appears on the tax rolls of the Parish and fails to receive payment for said services, a special assessment shall be levied against the immovable property involved for the fees billed for such work, including the cost of all notices. A certified copy of the special assessment shall be filed with the clerk of court of the Parish, who shall forthwith record same in the mortgage records of the Parish. Such assessment when so filed and recorded shall operate as a lien and privilege against the immovable property herein assessed, which lien and privilege shall rank from the date of filing of the assessment in the mortgage records of the Parish and shall prime all other claims, mortgages and liens, except taxes and prior recorded special assessment liens. If the owner of the property fails to pay the amount due under the special assessment within thirty (30) days, the Parish may initiate action either *in rem* against the property or *in personam* against the owner, or both, for the collection of the total amount due, including cost and an additional sum equivalent to twenty-five (25) percent of the principal due as attorney's fees.

Sec. 16-31. Authority to enforce.

The Parish is hereby empowered and authorized to enforce the provisions of this article against the same lot, place or area within the Parish as often as violations may occur during a calendar year; and nothing herein shall be construed so as to prevent the assessment of costs for the removal of tall grass and/or trash, found growing, lying or located on private property for one (1) or more times during any calendar year.

Sec. 16-32. Immediate danger or hazard.

Notwithstanding anything contained in this article to the contrary, the Parish is hereby authorized to take immediate steps to remove any and all tall grass and/or trash located on or upon any property within the Parish where there is presented to the Parish evidence of the presence of immediate danger or hazard to the health, safety and welfare of adjoining property, or to the citizens of the Parish. All other provisions as contained in this article, not contrary to this section, shall be applicable, including assessment of costs in such case.

Sec. 16-33. Violations; penalty.

If any person prevents or attempts to prevent any employee of and/or other person authorized by the Parish from carrying out the provisions of this article, he shall be deemed guilty of a misdemeanor and upon conviction thereof may be fined an amount not to exceed two hundred dollars (\$200.00) or imprisoned for a period not to exceed thirty (30) days, or both in the discretion of the court.

Secs. 16-34--16-43. Reserved.

The foregoing ordinance having been submitted to a vote, the vote thereon was as follows:

And the ordinance was declared adopted this ____ day of _____, 2008, to become effective five (5) days after publication in the Official Journal.

Amend Code Chapter 16 Article III (9-11-08)

CHAIRMAN: _____

SECRETARY: _____

DLVD/PARISH PRESIDENT: _____

APPROVED: _____ DISAPPROVED: _____

PARISH PRESIDENT: _____

RETD/SECRETARY: _____

AT: _____ RECD BY: _____