

ORDINANCE NO. 2026-267

TO AMEND SECTION 24.1 and 24.6 OF THE CODE OF ORDINANCES: PROVIDING FOR THE CONTROL OF WEEDS, GRASS, DEBRIS, AND OTHER UNHEALTHFUL OR NOXIOUS CONDITIONS WITHIN THE CORPORATE LIMITS OF LIVONIA

BE IT ORDAINED by the Town Council of the Town of Livonia, Louisiana, that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Town of Livonia, Louisiana, and the sections of this ordinance may be renumbered to accomplish this intention.

CHAPTER 24 WEEDS AND NOXIOUS GROWTHS

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Section 24.1 Definitions

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Interested parties” means those individuals who may have an ownership interest in the property that is alleged to be in violation of this article.

“Maintenance of a nuisance” means to conduct, carry on, keep, or permit to exist on one's premises any prohibited activity or condition, as defined in this Chapter. The failure to abate a nuisance or prohibited activity or condition shall be considered as maintenance of a nuisance.

“Nuisance” means any activity, condition or use of a premises that is detrimental to, or endangers, public safety, health, or welfare; that produces such material annoyance, inconvenience or discomfort so as to interfere with or disturb another in the peaceful possession of his property, or so as to cause injury to the rights of another or of the public; that is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property in the vicinity or neighborhood in which such premises is located; that is in violation of any land-use or zoning ordinance or regulation; or any prohibited activity or condition declared to be a nuisance in this article.

“Premises” means any building, structure or property owned or occupied by any proprietary party.

“Prohibited activity” or “condition” means any activity or condition declared to be a nuisance or otherwise prohibited under state law or municipal ordinance, including, but not limited to, the sections of this Chapter.

“Property” means any lot, tract, parcel of land, or portion of ground or other immovable property, whether occupied or vacant, which is situated within the town. For the purposes of this Chapter, the term shall also include any area abutting such property and adjacent to a public street, including, but not limited to, that portion of property between property lines and streets; the term shall also include the sidewalk that adjoins such land or is a part of such land.

“Proprietary party” means an owner, lessee, sublessee, tenant or occupant of any premises.

“Weeds” means any and all vegetation growth, including grass, which emits unpleasant or obnoxious odors; which may be unsightly; may conceal filth deposits, garbage or trash; or may serve as a breeding, hiding or resting places for reptiles, rodents, insects or other vermin.

Section 24.2 Noxious weeds, nuisance

No proprietary party shall maintain, permit, or allow any grass or noxious weeds or any vegetation whatsoever that is not for human consumption, for agricultural purposes, or for ornamental purposes, or any other deleterious, unhealthy, or noxious growths and accumulations, to grow or remain upon the premises such that:

- (1) it exceeds a height of twelve inches (12");
- (2) it emits any unpleasant or noxious odor;
- (3) it conceals any filthy deposit;
- (4) if, due to species, density, condition, or lack of maintenance, it produces or releases airborne pollen or other particulate matter in such quantities as to unreasonably interfere with the use and enjoyment of adjacent residents;
- (5) if planted for livestock purposes, it exceeds a height of eighteen inches (18"); or
- (6) it interferes with any natural or manmade drainage system component, whether public or private.

This prohibition shall not apply to vegetation that is planted for human consumption or agricultural purposes, or to cultivated ornamental plantings that are intentionally installed and maintained as part of a landscaped yard or garden, provided that such plantings are regularly maintained and do not create an unreasonable or recurring nuisance condition as defined herein.

Any grass, weeds, other vegetation, or any other deleterious, unhealthy, or noxious growths and accumulations growing upon any premises in the town in violation of this Chapter are hereby declared to be a nuisance and detrimental to the health, safety, cleanliness, and comfort of the inhabitants of the town.

Section 24.3 Hay bailing

The planting and harvesting of hay shall be limited to areas of a minimum of two (2) acres, which shall be contiguous. The planting, cultivating and harvesting of hay shall be no closer than fifty (50) feet from a residential, commercial or industrial building or structure, unless:

- (1) said structures are owned or leased by the person or entity planting and harvesting the hay; or
- (2) the person or entity planting and harvesting the hay has the written permission of the owners of said structures to do so.

Documentation evidencing permission pursuant to this section shall be filed with the town clerk prior to planting, cultivating, or harvesting the hay crop. If land has been lawfully and actively used for the cultivation and harvesting of hay crops prior to the construction or placement of any structure within the separation distance required herein, such agricultural use shall be deemed a permitted pre-existing use and may continue without seeking the required permission herein. The hay crop shall be cut at such time as it reaches thirty-six (36) inches in height, and shall be cut at least twice per year.

Section 24.4 Encroachment upon adjoining properties; interference

No proprietary party shall permit any trees, hedges, bushes, shrubbery, or other vegetation located on the premises, or within the area between the sidewalk and curb abutting the premises, to encroach upon any sidewalk, street, highway, or alley so as to:

- (1) interfere with the safe and unobstructed passage of pedestrians; or
- (2) obstruct the clear and unobstructed view of approaching vehicular traffic .

Any vegetation in violation of this section is hereby declared to be a nuisance and detrimental to the health, welfare, and safety of the inhabitants of the town.

Section 24.5 Owner's or occupant's duty

All proprietary parties in the town shall cut, destroy, or remove noxious weeds, grass, vegetation, or any other deleterious, unhealthy, or noxious growths and accumulations growing or remaining on the premises in violation of this Chapter, and shall further maintain such premises to keep it free from weeds, grass or other deleterious, unhealthy growth or other obnoxious matter lying or located thereon. The failure or refusal to do so constitutes a violation of this Chapter.

Section 24.6 Clearing of premises; requirements

All proprietary parties in the town shall remove, trim, or cut all trees, hedges, bushes, shrubbery, or other vegetation located on the premises, or within the area between the sidewalk and the curb abutting the premises, in violation of Section 24.4 of this Chapter. The failure or refusal to do so constitutes a violation of this Chapter.

Section 24.7 Notice to remove

- (1) Following an inspection and verification of a violation of this Chapter, the town shall provide notice to the owner of the property, as determined from the latest property tax rolls of the Pointe Coupee Assessor's Office, advising of the non-compliant conditions and requiring compliance with this Chapter within five (5) days following service of notification. The notice shall further state that if the owner does not comply with this Chapter within five (5) days, the town may undertake the abatement work necessary to bring the property into compliance with this Chapter. Notice shall be provided by registered or certified mail, return receipt requested. If such service is impractical or unsuccessful, the notice shall be published in the official journal of the town for two consecutive publication days.
- (2) As an additional method of notice to effectuate compliance with the Chapter, the town may provide notice to any propriety party or interested party by personal service, regular U.S. first class mail, or by registered or certified mail. Such additional service shall not replace the above-mentioned required notification to the owner of record for the property.
- (3) The actual cost of the work shall be charged to the owner of record for the property and shall include the expense of inspection, identifying and locating the owner or occupant, service of the notice, performance of the nuisance abatement work, reinspection, and all other actual costs associated with enforcement of this Chapter.
- (4) Following abatement by the town pursuant to this Chapter, the town shall furnish the owner of the property, as determined from the latest property tax rolls of the Pointe Coupee Assessor's Office, with a written statement, by registered or certified mail, which contains a description of the property where the work was performed and an itemization of the cost of the work performed. The statement so sent and returned by the United States Postal Service, whether returned as delivered, refused, unclaimed, or undeliverable, shall be considered as having fulfilled the notification requirement of this section. However, a statement returned as undeliverable because the correspondence fails to conform to the information in the latest property tax rolls shall be deemed defective and shall not satisfy the notice requirements of this Section.
- (5) If the owner of the property does not pay the charges within thirty (30) days after being furnished with the written statement of costs, the mayor shall cause a certified copy of the statement to be filed and recorded in the mortgage records of the parish. When so filed and recorded, the statement shall constitute a lien upon the property from the date of recordation and shall be a superior lien and privilege on the property, priming all other mortgages, liens, privileges, and encumbrances, whether recorded or unrecorded, except for ad valorem taxes. The lien shall be included in and form part of the ad valorem taxes due on the property, and may be enforced in the same manner as other liens provided by law.
- (6) As an additional method of notice and to assist in the recovery of costs for the necessary abatement work performed by the town, the town may provide a written statement of costs to any propriety party or interested party by personal service, regular U.S. first class mail, or by registered or certified mail. The accrued costs may be paid by any person.

Section 24.8 Waiver of notice

The town may undertake the cutting, destruction, or removal of noxious weeds or grass or other deleterious, unhealthful, or noxious growths on any property within the town without the notice required in Section 24.7 if the property owner liable has been notified of non-compliance with this Chapter at any time during the immediately preceding twelve (12) months and has failed to do the required abatement work on the property after opportunity to do so. However, prior to undertaking such work, the town shall file and record an affidavit, signed by the mayor or their designee, at the town hall. The 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 unsafe or 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 twelve (12) months failed to do such work after notification and opportunity to do so pursuant to Section 24.7.

Section 24.9 Allowing noxious growth prohibited - Penalties

In addition to any other provision of this Chapter, non-compliance with the provisions of this Chapter shall constitute a misdemeanor offense punishable by a fine of not more than five hundred (\$500) dollars. In determining the appropriate penalty, the court may consider the number of instances of non-compliance with this Chapter by the owner of record for the property within the past twelve (12) months. Each day of non-compliance with this Chapter may be considered a separate offense. The court may, upon conviction, order the abatement of the nuisance growth or vegetation.

Said Ordinance having been introduced on April 13, 2026, by L. Jarreau, notice of public hearing having been published, said public hearing having been held, the title having been read, and the Ordinance considered, a motion was made by L. Jarreau and seconded by Webre to adopt the Ordinance. A record vote was taken, and the following results were had:

YEAS:	Brian Bergeron, Lester Jarreau, Terry Jarreau, Twanna LeJeune, Lorne Webre
NAYS:	None
ABSENT	None
ABSTAIN:	None

Whereupon, the Ordinance was declared adopted on this 11th day of May 2026.