



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbpbg.net

Kerri Callais
*Councilmember
at Large*

Richard "Richie" Lewis
*Councilmember
at Large*

Gillis McCloskey
*Councilmember
District A*

Joshua "Josh" Moran
*Councilmember
District B*

Howard Luna
*Councilmember
District C*

Wanda Alcon
*Councilmember
District D*

Fred Everhardt, Jr.
*Councilmember
District E*

Roxanne Adams
Clerk of Council

#11

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, FEBRUARY 1, 2022 AT SEVEN O'CLOCK P.M.

On motion of the Mr. Moran, seconded by Mr. Lewis, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #2411-02-22

Summary No. 3986

Introduced by: Councilmember Moran on 12/21/21

Public Hearing held on 1/4/22

Tabled on 1/4/22 until 2/1/22

AN ORDINANCE TO **AMEND** CHAPTER 11, HEALTH AND SANITATION; ARTICLE II, SOLID WASTE DISPOSAL; JUNK; DIVISION 1, GENERALLY; SECTION 11-20, LITTERING GENERALLY AND SECTION 11-34, EVICTIONS; PLACEMENT OF ABANDONED PROPERTY OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council, the Governing Authority, does hereby ordain that chapter 11, health and sanitation; article ii, solid waste disposal; junk; division 1, generally; section 11-20, littering generally and section 11-34, evictions; placement of abandoned property of the St. Bernard Parish Code of Ordinances is hereby amended as per attached Exhibit "A".

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion this Ordinance with the invalid portions omitted.



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Extract #11, continued
February 1, 2022

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The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: Moran, Luna, Everhardt, Lewis

NAYS: None

ABSENT: McCloskey, Alcon

The Council Chair, Ms. Callais, cast her vote as **YEA**.

And the motion was declared **adopted** on the 1st day of February, 2022.


ROXANNE ADAMS
CLERK OF COUNCIL



KERRI CALLAIS
COUNCIL CHAIR

Delivered to the Parish President 2/3/22 3:45 pm
Date and Time

Received by Margen Kelley

Approved  Vetoed _____

Parish President


Guy McInnis

Returned to Clerk of the Council

2/7/22 9:20 am
Date and Time

Received by



Exhibit "A"
Summary No. 3986
Ordinance SBPC #2411-02-22

Chapter 11 – Health and Sanitation
Article II – Solid Waste Disposal; Junk
Division 1. – Generally
Section 11-20. – Littering generally.

(b) *Definitions.*

Excessive Litter. Amounts of material described as "litter" in this subsection that collectively tends to occupy an aggregate weight greater than ten (10) pounds. Reference herein to a specific weight is for purposes of example only, and nothing herein shall be interpreted as requiring the parish to weigh litter. Excessive litter specifically includes, but is not limited to, mattresses, furniture, appliances, electronics, scrap supplies, clothing, garbage, refuse, and other household items. This includes litter generated by tenant evictions, rental clean-outs, property renovations, property vacancies, or any other reason, as well as litter left adjacent to dumpsters or on commercial parking lots.

(j) *Excessive Commercial Littering.*

(1) *Generally.* It shall be unlawful for any person, firm, or corporation to dump excessive litter, or permit the dumping of excessive litter, on or adjacent to commercially designated private property owned or leased by the offending party.

(2) *Enforcement.* Upon receipt of a complaint by the Department of Community Development, a notice of violation shall be posted upon the offending property and mailed to the property owner via certified mail. Notification may include any of the following as an alternative to certified mail: posting in the official journal, the official website, or public notice. Said notice shall contain the following: (i) identification of the cost to be assessed should a parish crew or designated contractor be assigned to clean up the property in question and (ii) identification of the additional fines and penalties which may be assessed should a parish crew or designated contractor be assigned to clean up the property in question. If the property owner fails to correct the noticed violation within forty-eight (48) hours of notification, the property will be scheduled for clean-up by an appropriate parish crew or designated contractor at the property owner's expense. In addition, the offending party shall be subject to the fines outlined hereinbelow.

(3) *Fines.* In addition to the cost of clean-up, the offending party shall be fined five hundred (\$500) dollars, and a one hundred fifty (\$150) dollar administrative fee. For repeated offenses, the fine shall increase incrementally by five hundred (\$500) dollars per offense, with a maximum fine of two thousand (\$2,000) dollars that shall apply to ever additional offense thereafter.

- (4) *Additional remedies.* Upon failure of the offending party to pay any of the charges or fines provided for herein, the parish shall to have the enumerated charges and/or fines added to the annual ad valorem tax bill of the property involved. In addition, the parish shall record the notice in the mortgage records of St. Bernard Parish, which filing shall act as a lien upon the referenced property in the amount of the charges and fines enumerated in the notice.
 - (5) *Right to appeal.* A party who asserts that the charges and/or liens provided for herein have been wrongfully assessed may appeal such action to the 34th Judicial District Court for the Parish of St. Bernard, State of Louisiana. Any such appeal shall be filed no later than sixty (60) days following the assessment of said charge or creation of said lien.
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Chapter 11 – Health and Sanitation

Article II – Solid Waste Disposal; Junk

Division 1. – Generally

Section 11-34. – Evictions: Placement of abandoned property.

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- (1) *Generally.* After a judgment of eviction (writ of possession) is executed, the landlord shall dispose of the property of the tenant in compliance with State law. In no event, may any of the tenant's property be placed on public right-of-way or on any public property. Any property removed from the leased premises pursuant to a property issued judgment of eviction (writ of possession) shall be deemed abandoned.
 - a. If the tenant or the tenant's agent is present at the time the judgment of eviction (writ of possession) is executed, the tenant shall be permitted to salvage and transport the tenant's property removed from the leased premises for a reasonable period of time, not to exceed twenty-four (24) hours.
- (2) *Enforcement.* Upon receipt of a complaint by the Department of Community Development, a notice of violation shall be posted upon the offending property and mailed to the property owner via certified mail. Notification may include any of the following as an alternative to certified mail: posting in the official journal, the official website, or public notice. Said notice shall contain the following: (i) identification of the cost to be assessed should a parish crew or designated contractor be assigned to clean up the property in question and (ii) identification of the additional fines and penalties which may be assessed should a parish crew or designated contractor be assigned to clean up the property in question. If the property owner fails to correct the noticed violation within forty-eight (48) hours of notification, the property will be scheduled for clean-up by an appropriate parish crew or designated contractor at the property owner's expense. In addition, the offending party shall be subject to the fines outlined hereinbelow.

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