

CHAPTER 25

WEEDS

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Section 25.1 Noxious Weeds; Nuisance

No person owning or occupying any property within the Village shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon the premises so as to exceed a height of 24 inches or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen. Any grass, weeds or other vegetation growing upon any premises in the Village in violation of any of the provisions of this chapter is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Village of Folsom.

Section 25.2 Encroachment upon Adjoining Properties; Interference

No person owning or occupying any property within the Village shall permit any trees, hedges, bushes or shrubbery, of whatsoever kind of nature, to grow or remain upon the premises, or in the area between the sidewalk and curb abutting the premises so as to encroach upon the adjoining sidewalks, streets, highways or alleys in a manner as to interfere with pedestrians or vehicular traffic lawfully using the sidewalks, streets, highways or alleys, or in a manner as to restrict the clear view of vehicular traffic using the streets, highways, or alleys. Any trees, hedges, bushes or shrubbery growing upon any premises, in violation of any of the provisions of this chapter is hereby declared to be a nuisance and detrimental to the health, welfare and safety of the inhabitants of the Village.

Section 25.3 Vacant Premises; Owner's or Occupant's Duty

The owner of any premises, as to vacant premises or premises occupied by the owner, and the occupant thereof, in case of premises occupied by other than the owner thereof, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon the premises in violation of the provisions of this chapter.

Section 25.4 Clearing of Premises; Requirements

The owner of any premises, as to vacant premises or premises occupied by the owner, and the occupant thereof, in case of premises occupied by other than the owner thereof, shall remove, trim, or cut all trees, hedges, bushes or shrubbery, of whatsoever kind of nature, growing or remaining upon the premises, or in the area between the sidewalk and the curb abutting the premises, in violation of this provisions of this chapter.

Section 25.5 Enforcement; Notice to Cut or Clear

(a) In the event any owner of property situated within the corporate limits shall fail or neglect to comply with the provisions of this chapter the mayor is hereby authorized, empowered and directed to cause the premises to be cleaned by cutting, destroying, or removing such noxious weeds, grass or other deleterious, unhealthy or noxious growths or accumulations thereof and/or the sidewalks or banquette abutting the same, and assess the cost thereof against the owner by preparing a notice containing a statement of facts, giving a description of the property and the cost of the work, which notice he shall cause to be filed and recorded in the mortgage records of the parish, and when so filed and recorded, the notice shall constitute a lien upon the property prior in rank to mortgages, vendor's privileges and all other liens except taxes.

(b) In the event the owners fail to pay the cost incurred as shown by the notice provided for in subsection (a) hereof within 10 days from the date of filing thereof, in the mortgage records of the parish, the mayor is fully authorized, empowered and directed to take the necessary steps in court incidental to the collection of the expense incurred as shown in the notice.

Editorial Note: Penalty for violating provisions of this chapter would be as provided in Section 29.7, the general penalty section. L.R.S. 33:401(9) is the authority for the municipality to assess incurred costs in the removal of offending growths. L.R.S. 33:401(8) provides the authority for municipalities to remove, prevent and abate nuisances. Towns having a population of 2,000 to 5,000 may not remove weeds without giving notice to the owner and allowing 10 days thereafter for the owner to accomplish removal, L.R.S. 33:5062. Where the town performs the work, due to failure of the owner to do so, the costs incurred are to be treated as additional taxes on the property, L.R.S. 33:5063.