

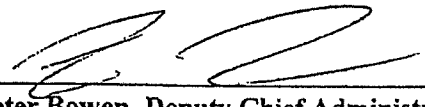
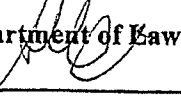
Calendar No. (Rev)  
(Exp)

Name Shay Zeller Ext. 8-4332  
Person responsible for routing

**CHECK SHEET TO BE USED FOR  
CLEARING ORDINANCES, MOTIONS, AND RESOLUTIONS  
BEFORE SUBMISSION TO COUNCIL CLERK**

The originating agency shall attach a copy of each proposed ordinance, motion, or resolution to the check sheet for processing in the sequence indicated after preparing a synopsis. The detailed memorandum of explanation shall also be attached to this check sheet.

SYNOPSIS OF DOCUMENT: An Amendment to Chapters 66, 312-318 ("Weeds") to change violation height to 10 inches, adjust notice requirements, and clarify cost recovery process.

1.   
Peter Bowen, Deputy Chief Administrative Officer, Office of Business and External Services
2. Jonathan Harris 11/11/2020  
Department of Law
3.   
Chief Administrative Officer
4. M. Jeff Powell  
Director of Council Relations
5. \_\_\_\_\_  
Initials of Sponsoring Council Member

**COUNCIL ACTION**

Council Members Present: \_\_\_\_\_

Absent: \_\_\_\_\_

**AMENDMENTS:**

**FINAL ADOPTION:**

**MOVED:**

**2<sup>ND</sup>:**

**YEAS:**

**NAYS:**

**ABSENT:**

**RECUSED:**

7. \_\_\_\_\_  
Reviewed by the Chief Administrative Officer after adoption by the City Council and prior to the Mayor's signature.



**LEGISLATIVE SUMMARY**

**TO ACCOMPANY ORDINANCES**

**BEFORE SUBMISSION TO CLERK OF COUNCIL**

Requesting Department or Agency: Office of Business and External Services  
Name of Contact Person: Shay Zeller  
Telephone Number: 603-545-5710  
Email Address: aszeller@nola.gov  
Initials of Sponsoring Councilmember(s): \_\_\_\_\_

**DETAILED SYNOPSIS OF THE ORDINANCE**

**Please generally describe the purpose, intent, and effect of the proposed ordinance.**

This is Amendment to Chapter 66, 312-318 to change the violation height for  
\_\_\_\_\_  
overgrown grass and weeds to 10 inches (down from 18 inches), to adjust Notice  
\_\_\_\_\_  
requirements and to change the cost recovery process. The overall intent of the  
\_\_\_\_\_  
amendment is to improve the efficiency and effectiveness of the City's Lot Abatement  
\_\_\_\_\_  
Program.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



### LEGISLATIVE SUMMARY

**If the Ordinance is to effectuate a contract, CEA, or other similar agreement (hereafter contract), please provide the following additional information.**



**If this section is not applicable, please check this box.**

The parties involved:

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The obligations, expectations, and deliverables of the parties involved:

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Any fiscal implications for the City with the contract:

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The public purpose and need for the contract:

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The duration of the contract:

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### LEGISLATIVE SUMMARY

**If the Ordinance is to effectuate an amendment to the Codes of the City of New Orleans, please provide the following additional information.**



**If this section is not applicable, please check this box.**

The existing provision(s) of the Code being proposed for amendment:  
Ch 66, 312-318

The general content/requirements of the existing Code provision:

Land owners must keep their property free of debris and weeds over 18 inches high.

The City may abate violations after giving owner notice and 7 days to abate. The City may perform ongoing abatement without notice for 12 months and place lien for costs.

How the proposed ordinance will alter the existing Code provision(s):

The proposed amendment reduces the violations height to 10 inches, reduces time for notice to 5 days, permits the City to perform monthly abatement and to place costs on tax bill.

Why these changes are needed:

These changes are needed to improve the program's ability to compel compliance and ensure efficiency, effectiveness, and cost recovery.

**REQUESTED ADOPTION DATE:** December 3, 2020

Reference: Council Rule 41 & City Code Section 2-813

**ORDINANCE**

**CITY OF NEW ORLEANS**

**CITY HALL: November 19, 2020**

**CALENDAR NO. 33,180**

**NO. \_\_\_\_\_ MAYOR COUNCIL SERIES**

**BY: COUNCILMEMBERS BANKS AND NGUYEN (BY REQUEST)**

**AN ORDINANCE** amend and reordain sections 66-312, 66-314, 66-315, 66-316, and 66-317 of the Code of the City of New Orleans to require property owners to keep grass below 10 inches, to clarify notice requirements and procedures for billing owners for work done by the City; and otherwise to provide with respect thereto.

**SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS**, That Article V of Chapter 66 of the Code of the City of New Orleans, be, and the same is hereby amended and reordained, respectively, to read as follows:

**“Chapter 66 – ENVIRONMENT**

**\*\*\***

**Article V. Nuisances**

**\*\*\***

**DIVISION 3. Weeds**

**\*\*\***

**Sec. 66-312. - Duty to maintain plant growth and remove debris.**

(a) It shall be the duty of every owner of real estate within the city to at all times cut and mow the grass and weeds on their respective property and in the space between the property line and the curblin in front, rear and alongside thereof, so that neither grass nor weeds shall rise above the height of 10 inches, and shall cause the removal of any cuttings or mowings.

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16 **Sec. 66-314. - Notice.**

17 (a) Any owner of real estate whose property is in violation of any provision of section 66-312  
18 shall receive a correction notice from the administrative office or its authorized designee.

19 (b) The correction notice shall:

20 (1) Be in writing;

21 (2) Provide the date of issuance;

22 (3) Provide the contact information for the administrative office or its authorized  
23 designee;

24 (4) Articulate the violations of section 66-312;

25 (5) Provide that the owner is afforded five days, inclusive of weekends and holidays, from  
26 the date of mailing to perform or cause the performance of any and all corrective abatement  
27 action(s);

28 (6) Provide that if corrective abatement action(s) are not completed within five days,  
29 inclusive of weekends and holidays, the administrative office or its authorized designee will  
30 cause the corrective abatement action(s) at the owner's expense, and that continued corrective  
31 abatement action(s) may be taken at the owner's expense as provided in section 66-315;

32 (7) Provide the estimated minimum cost(s) of the corrective abatement action(s) and  
33 provide that these costs could increase;

34 (8) Provide the municipal address of the property in violation;

35 (9) Provide a photograph of the violation(s) of section 66-312;

36 (10) Provide that an administrative hearing pursuant to chapter 6, article II, may be  
37 requested to contest the violation(s) of section 66-312 or the cost(s) relative thereto, by

contacting the administrative office or its authorized designee in writing prior to the expiration of the five days.

(c) Notice shall be mailed by certified or registered mail to the address listed in the assessor's office of the parish.

(d) The failure of any owner of real estate to comply with the requirements of such notice within five days after mailing shall be deemed a violation of section 66-312. Any such failure shall permit the city to perform any and all corrective abatement action(s) with all cost(s) thereto being borne by the owner without requiring further notification.

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**Sec. 66-315. - Action after non-compliance with notice.**

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(a) After the expiration of the five days affording an owner an opportunity to comply with the duties and requirements of section 66-312, the city or designee thereof may perform any and all corrective abatement action(s) without further notification.

(b) Any notice returned to the city by the postal service because of its inability to make delivery, if it was properly addressed to the last-known address of such owner as provided in the assessor's office of the parish, the city or its designee thereof may still abate.

(c) Pursuant to this division, the city or its designee thereof may undertake continued corrective abatement action(s) on a property on a monthly basis without re-noticing, if the property owner has been notified pursuant to section 66-314 at any time during the immediately preceding 12 months, and the owner failed to abate or cause corrective abatement action(s) as required in the initial notice.

(d) Prior to undertaking continued corrective abatement action, the city shall file and record an affidavit, signed by the CAO or his or her designee at its administrative office. Said affidavit shall:

(1) Be signed by the chief administrative officer or their authorized designee;

(2) Provide the municipal address and legal description of the property;

(3) Provide a statement that the property owner was notified pursuant to section 66-314 within the past 12 months and failed to perform any corrective abatement action(s) after having an opportunity to do so.

(4) Provide a photograph of the property sufficient to reasonably identify its unsafe or unsanitary condition and to justify the necessity for any and all corrective abatement action.

**Sec. 66-316. - Owner to be billed for work done by city.**

(1) After corrective abatement action(s) by the city or designee thereof, the city shall send a statement of all reasonable costs to the owner. The owner shall have ten days from the date of mailing to pay all costs as provided therein. If the cost or expense thereof has not been paid within ten days, the tax collector of the city shall furnish the owner, as shown on the last assessment roll of the city, by registered mail a written statement showing the cost or expense incurred for the work, and the place or property on which the work was done. If the said statement is not paid within one month thereafter, the amount thereof shall be included in and form part of the taxes due by the owner of said property.

(2) The tax collector shall maintain a record of such charges prior to the filing of the tax rolls, which record 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.



82 (3) Any monies collected pursuant to this chapter shall first satisfy all outstanding municipal liens  
83 recorded against an immovable property and only when all outstanding municipal liens are  
84 satisfied in full shall monies be applied towards an immovable property's ad valorem taxes.

85 **Sec. 66-317. - Concurrent authority.**

86 Nothing contained herein shall preclude the New Orleans Police Department from issuing a  
87 summons to an owner of real estate whose property is in violation of section 66-312. Municipal  
88 Court of New Orleans shall adjudge any summons issued for violations of section 66-312.

89 **Secs. 66-318—66-350. - Reserved.**

90 \*\*\*"

**ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS** \_\_\_\_\_

\_\_\_\_\_  
**PRESIDENT OF THE COUNCIL**

**DELIVERED TO THE MAYOR ON** \_\_\_\_\_

**APPROVED:**  
**DISAPPROVED:** \_\_\_\_\_

\_\_\_\_\_  
**MAYOR**

**RETURNED BY THE MAYOR ON** \_\_\_\_\_ **AT** \_\_\_\_\_

\_\_\_\_\_  
**CLERK OF COUNCIL**

**ROLL CALL VOTE:**

**YEAS:**

**NAYS:**

**ABSENT:**

**RECUSED:**