
REGULATION OF NONINDUSTRIAL WASTE, GARBAGE, AND JUNK

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Sec. 30-51. Policy and definitions.

- (a) This article is intended to serve the public interest by providing methods of dealing with waste and hazardous nuisances in the unincorporated areas of Caddo Parish that have become threats to the health, safety and welfare of the public.
- (b) It is not the intent of this article to dictate aesthetic preferences or community standards.
- (c) It is not intended that the provisions of this article be applied to sites containing hazardous materials, industrial waste, or other toxic substances or materials. Sites so identified shall be referred to the United States Environmental Protection Agency and the state department of environmental quality (DEQ) for further action.
- (d) Areas of compliance will include community subdivisions for residential housing and all building site as prescribed in the parish's subdivision ordinance (25,000 sq. ft. areas).
- (e) Definitions:
 - (1) *Deleterious growth and obnoxious matter* shall mean:
 - a. Weeds, grass, or saplings allowed to grow around any exterior wall of any structure, or stands of bamboo which generate any type of vermin or which may provide cover for criminal activity; weeds, grass or vegetation, in excess of 12 inches in height, other than cultivated trees, shrubs, flowers and gardens.
 - b. lumber, trash, debris, limbs or vegetation reasonably calculated to be a hazard or which poses or may potentially pose a threat to the health or safety of anyone.
 - c. the keeping, retaining, or depositing on, or the scattering over the premises of any of the following:
Lumber, fallen trees, limbs, trash, garbage, debris, glass or building material;

(Ord. No. 5327, 8-8-2013)

Sec. 30-52. Violations.

- (a) The storing of or abandoning of junk, inoperable, or wrecked automobiles or motor vehicles, or any part or parts thereof; any other junk, discarded or abandoned major appliances, or other metal; tin or other discarded items; garbage cans more than 24 hours after garbage has been collected; brush and

limbs more than 24 hours after they have been cut or more than 14 days after a weather occurrence on any lot, neutral ground, street or sidewalk, within the unincorporated area of the parish is prohibited.

(b) Failure to cut and destroy all obnoxious weeds, grass or deleterious or unhealthful growth, or other obnoxious matter, in excess of 12 inches in height, growing, lying or being in or upon any lot, place or area or other property and remove such weeds, grass or matter from the premises, within any approved subdivision within the unincorporated area of the parish, is prohibited. Such cutting and removal shall be done as often as necessary in order to ensure that such lots, places or areas do not constitute a hazard to the health of the citizens of the parish.

(c) Areas to be excluded from this section of this article are: commercial property, farm land, recreational locations, five-acre tracts of land (excluding a 150-foot setback from a public right-of-way), businesses (i.e., oil and gas or timber), and the interior of residential homes.

(Ord. No. 5327, 8-8-2013)

Sec. 30-53. Inspection.

(a) Constables and justices of the peace, may, with caution, enter any building, structure or premises, at reasonable times for the purpose of ascertaining whether a violation of this section outside on the property exists, when there is reason to believe that such may be the case.

(b) When entering a building, structure or premises that is occupied, such official shall first identify himself, present proper credentials, and request entry. If the building, structure or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having control thereof and demand entry.

(c) If the owner, agent, occupant or tenant of any building or structure fails to consent to entry and inspection, a representative of the parish may present an affidavit to a judge of First Judicial District Court stating that he believes, or has reason to believe, that by a search of the premises designated in the affidavit he will obtain evidence tending to reveal existence of violations of this article. Upon receipt of such affidavit, the judge, if he deems the affidavit to be sufficient, shall issue a warrant authorizing the parish representative to enter and search the premises described in the affidavit and designated in the warrant to obtain evidence tending to reveal the existence of violations of this article.

(Ord. No. 5327, 8-8-2013)

Sec. 30-54. Penalties.

Upon the first violation of this article, a person shall receive a warning citation and be allowed 14 days to abate the violation; if the violation is not abated by the 15th day after the warning citation is issued, that person shall be issued a citation to appear in the justice court having jurisdiction of the property upon which the violation sits and shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$100.00 nor more than \$500.00,

or by imprisonment of not more than 30 days, or by both such fine and imprisonment. Each day that the violation is not abated shall constitute a separate offense. In addition to the penalties contained in this section, the court may order that every defendant convicted after a trial or after pleading guilty, pay restitution to the parish or its designated representative in an amount equal to the amount of expenses and charges incurred for removing and disposing of the junk, wrecked or used automobiles or motor vehicles, or any part thereof, or any other junk, discarded or abandoned major appliances, or other metal, tin or other discarded items, on any lot, neutral ground, street or sidewalk. In no case shall the fines and the amount ordered as restitution exceed that which was actually spent for the removal and disposition. It shall not be a defense to prosecution under this section that the parish performed the work necessary to correct the noted deficiencies and violations, or that the parish caused such work to be performed.

(Ord. No. 5327, 8-8-2013)

Sec. 30-55. Appeal.

- (a) The owner or occupant, or the agent or other representative of the owner, may appeal the decision of the justice of the peace to the first judicial district court by the filing of a petition therein, within five days of service of the judgment of the justice of the peace, alleging reasons why the decision and order of the justice of the peace is illegal or improper. The issue shall be tried de novo and by preference in the district court, and the order appealed from shall be suspended during the appeal.
- (b) Either party may appeal from the judgment of the district court as in other cases.

(Ord. No. 5327, 8-8-2013)

FOOTNOTE(S):

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Editor's note— *Ord. No. 5327, adopted Aug. 8, 2013, amended Art. III in its entirety to read as set out herein. Former Art. III, §§ 30-51—30-55, pertained to similar subject matter and derived from the Code of 1985, §§ 11-1—11-5; Ord. No. 4892, adopted June 18, 2009; Ord. No. 4958, Ch. 11, § 11-5(a), adopted Jan. 21, 2010.*

State Law reference— *Abandoned motor vehicles generally, R.S. 32:471 et seq.; parish authority to regulate abandoned vehicles, R.S. 33:4876.*