



St. James Parish Council

Alvin St. Pierre, Jr.
Chairman

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PUBLIC NOTICE NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the following entitled ordinance was introduced at a regular meeting of the Parish Council of the Parish of St. James, State of Louisiana, on December 22, 2020, and laid over for publication of notice:

PROPOSED ORDINANCE 20-14 **ST. JAMES PARISH COUNCIL**

AN ORDINANCE TO ADD SECTION 98-3 OF THE ST. JAMES PARISH CODE OF ORDINANCES TO AUTHORIZE THE PARISH TO REMEDIATE OBSTRUCTIONS OF ROADS, STREETS, AND DRAINAGE FEATURES; AND TO RECOVER THE COST THEREOF

WHEREAS, Chapter 98 of the St. James Parish Code of Ordinances broadly prohibits closing or obstructing roads, streets, and drainage features in the parish; and

WHEREAS, Chapter 98 does not currently provide a practical mechanism for the parish to remedy violations, other than to initiate after-the-fact enforcement action in court; and

WHEREAS, there is a need to empower the parish to initiate active measures to remedy violations of Chapter 98 in the interest of the health, safety, and welfare of the parish;

NOW, THEREFORE, the St. James Parish Council hereby ordains:

SECTION 1. Section 98-3 of the St. James Parish Code of Ordinances is hereby created to read as follows:

Sec. 98-3. Removal of Violations; Cost Recovery.

- (a) **Authority.** If the parish determines that other informal methods are not advisable, the parish may remove, mitigate, or otherwise eliminate any obstruction, blockage, diversion, condition, or interference that violates Chapter 98 of the St. James Parish Code of Ordinances in accordance with this section.
- (b) **Notice, remedial action, and opportunity to cure.** Except as provided for in Sec. 98-3(d) regarding immediate risk, the parish shall provide notice of the violation and of the parish's plans to rectify the violation. Such notice shall be posted conspicuously at the site of the violation. If the violation is on private property, the notice shall also be provided to the owner of the property (as shown either in the records of the St. James Parish Assessor or the land records of the parish) by certified mail. Additional notice through commercial parcel delivery service, hand delivery, process serve, or email may be made, but is not required. The notice shall reasonably describe the violation and the measures required to remediate it. The notice shall state a deadline by which the owner must remediate the violation, which shall be at least 14 days after the notice is issued, during which time the owner shall have the opportunity to cure the violation.
- (c) **Remediation after cure deadline.** After the deadline in the notice has passed, the parish (either through its employees or through one or more contractors) may enter the site and remediate the violation.
- (d) **Remediation without notice due to immediate risk.** Notwithstanding the notice and opportunity to cure provisions of Sec. 98-3(b), if the Parish President certifies in writing that a violation of Chapter 98 at a specific site presents an immediate risk to public safety or an immediate risk of property damage, the parish may enter the site without notice and remediate the violation to the extent required to ameliorate the immediate risk.
- (e) **Appeal.** Any person aggrieved by a notice or by the parish's plan to rectify a violation under Sec. 98-3(b) may appeal to the Planning Commission by following the procedure set out in Sec. 82-25(m)(1) through (6) and 82-25(n), provided that instead of the 30-day period to appeal under Sec. 82-25(m)(1), the appeal shall be made within the time stated in the notice issued under Sec. 98-3(b) for the owner's opportunity to cure the violation.
- (f) **Cost Recovery.** In addition to other enforcement procedures and remedies, if the parish takes action under this Section 98-3 and incurs costs in remediating a violation, any person found guilty of the violation shall be assess the costs of the remediation, which costs shall be included in a judgment rendered by the court in which the violation is prosecuted.

Alvin St. Pierre, Jr. Jason Amato Ryan Louque Mason Bland Clyde Cooper Vondra Steib Donald Nash

District 1

District 2

District 3

District 4

District 5

District 6

District 7

- (g) **Provisions supplement other ordinances.** This Sec. 98-3 supplements any other remedies, authorities, or enforcement powers provided in the St. James Parish Code of Ordinances. Specifically, but not in limitation of the foregoing, nothing in this Sec. 98-3 shall be construed to limit or negate any provision of Secs. 18-46, 18-47, 18-48, or 18-175.
- (h) **No limitation on operations.** Nothing in this Sec. 98-3 shall apply to, and this section shall not be construed to limit, the authority of the parish to construct, improve, or maintain any street, road, or drainage feature in the normal course of parish operations.

SECTION 2. EFFECTIVE DATE. This ordinance shall be effective immediately upon its passage, or as soon thereafter as allowed by law.

NOTICE IS HEREBY, FURTHER, GIVEN that the Parish Council of said Parish will meet at 6:00 p.m. on Wednesday, January 6, 2021, in the Council Chambers of the Parish Courthouse, 5800 Hwy 44 in Convent, LA at which time there will be a public hearing on the adoption of the aforesaid ordinance.

s/Alvin St. Pierre, Jr.
Chairman

s/Linda Hubbell
Secretary