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DIVISION 4 – GENERAL REQUIREMENTS—VACANT AND UNOCCUPIED PREMISES

* * *

Sec. 26-160. – Same—Weeds and plant growth.

- (a) Except as provided in subsection (b), all premises and exterior property, including vacant land, shall be maintained free from weeds or plant growth more than ten inches tall on the entirety of the lot, plot, or parcel. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs. Said term shall not include cultivated flowers, gardens, or cover crops.
- (b) Undeveloped land shall be maintained free from weeds or plant growth more than ten inches tall within ten feet of any lot line and within 50 feet of any lot line adjoining a parcel of property containing an occupied structure. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs. Said term shall not include cultivated flowers, gardens, or cover crops.
- (c) Without limiting any other remedy for violation of this chapter, or Chapters 6 and 66 of the Code of the City of New Orleans, a hearing officer may authorize the city or its agents to enter upon any property found in violation of this section for the purpose of maintaining or removing illegal or excessive weeds and plant growth. The cost of such maintenance or removal shall be paid by the owner or agent responsible for the property.

* * *

SECTION 2. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That Section 66-312 of the Code of the City of New Orleans. Louisiana is amended to read as follows:

“CHAPTER 66 – ENVIRONMENT

* * *

6 **ARTICLE V. – NUISANCES**

7 * * *

8 **DIVISION 3. – WEEDS, GRAFFITI, AND HAZARDOUS ACCUMULATIONS**

9 **Sec. 66-312. – Duty to maintain plant growth, remove debris and graffiti.**

10 (a) It shall be the duty of every owner(s) of real estate within the city, or in case of a property
11 whose primary purpose is commercial, the duty of the owner(s), occupant(s), or lessee(s) to at
12 all times cut and mow the grass, weeds, or other deleterious or unhealthful growths on their
13 respective property and in the space between the property line and the curblineline in front, rear
14 and alongside thereof, so that neither grass nor weeds shall rise above the height of ten inches,
15 and shall cause the removal of any cuttings or mowings. For purposes of this chapter, the term
16 “weeds” shall not include cultivated flowers, gardens, or cover crops.

17 (b) It shall be the duty of every owner of real estate within the city, or in case of a property whose
18 primary purpose is commercial, the duty of the owner(s), occupant(s), or lessee(s) to at all
19 times remove any trash, debris, refuse, or discarded matter from their respective property and
20 in the space between the property line and the curblineline in front, rear and alongside thereof, and
21 in accordance with the applicable collection and disposal provisions of chapter 138 of this
22 Code.

23 (c) It shall be the duty of every owner(s) of real estate within the city, or in case of a property
24 whose primary purpose is commercial, the duty of the owner(s), occupant(s), or lessee(s) to at
25 all times destroy and remove poison oak, poison ivy, poison sumac, or similar noxious plants
26 or growths from their respective property. For purposes of the division, destroy shall mean the
27 complete killing of the plants or growths above the surface of the ground by the use of
28 chemicals, cutting, tillage or any combination of those methods that will effectively prevent
29 the growth from maturing and spreading.

- 30 (d) It shall be the duty of every owner(s) of real estate within the city, or in case of a property
31 whose primary purpose is commercial, the owner(s), occupant(s), or lessee(s) to at all times
32 remove any graffiti from their respective property.
- 33 (e) It shall be the duty of every owner(s) of real estate within the city, or in case of a property
34 whose primary purpose is commercial, the owner(s), occupant(s), or lessee(s) to at all times
35 refrain from storing or otherwise accumulating in or on the property objects or substances of a
36 nature or in a quantity reasonably likely to create a hazard to the safety or health to the owner,
37 occupant or lessee of the same, contiguous, or neighboring property.
- 38 (f) Any person who violates subsections (a)—(e) shall pay up to a \$1,000.00 fine for each
39 violation.”

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:

ENGROSSED VERSION:

“Sec. 26-150. – Definitions.

- (a) The following terms shall, for the purposes of this code, have the meanings ascribed to them in this section.
- (b) Terms not defined in this section but defined in the New Orleans' Comprehensive Zoning Ordinance, as amended, or the Building Code of the City of New Orleans, as amended, shall have the meanings ascribed to them in the zoning or building code.
- (c) Where terms are not defined in this section or in the New Orleans' Comprehensive Zoning Ordinance, as amended, or the Building Code of the City of New Orleans, as amended, they shall have their ordinarily accepted meanings such as the context implies.
- (d) Words are interchangeable insofar as words stated in the present tense include the future; words stated in the masculine gender include the feminine; the singular number includes the plural and the plural, the singular.
- (e) Whenever the words "structure," "accessory structure," "building," or "dwelling unit" are stated in this code, they shall be construed as though they were followed by the words "or any part thereof."

Abate. Repair, rehabilitate, vacate, demolish, or any other action provided by the administrative hearing officer to correct the condition(s) in violation of this code.

Administrative hearing officer. An administrative adjudication hearing officer acting pursuant to Chapter 6 of the Code of the City of New Orleans.

Anchored. Secured in a manner that provides positive connection.

Approved. Acceptable to the code official.

Bathroom. A room containing plumbing fixtures including a bathtub or shower.

Bedroom. Any room or space used or intended to be used for sleeping purposes.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Code official. The director of the department of code enforcement, or his/her designee, who is charged with the administration and enforcement of this code, or their duly authorized representative.

Cover crops. Cultivated plants temporarily planted to slow erosion, improve soil health, enhance water availability, smother weeds, help control pests and diseases, and increase biodiversity. Cover crops shall not be considered weeds.

Debris removal. The taking away from a premises the scattered remains of rubble, wreckage, or something broken or destroyed.

Demolition. Tearing down, razing, and removal of all resulting debris and material.

Deteriorate. Weaken, disintegrate, corrode, rust, decay, or otherwise lose effectiveness.

Dwelling unit. A single unit providing complete, independent, living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Equipment. Necessary items for a particular purpose.

Exterior property. The open space on the premises and/or property under the control of owners or operators of such premises.

Habitable space. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage, or utility spaces, and similar areas are not considered habitable spaces.

Imminent danger. A condition which immediately threatens the health, safety, and welfare of an individual or the public.

Infestation. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

Inoperable motor vehicle. A vehicle which cannot be driven upon the public streets for reasons including but not limited to: being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Occupant. Any individual legally living or sleeping in a building, or having legal possession of a space within a building.

Occupy. To reside or have one's place of business within a structure.

Openable area. The part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner. Any natural or juridical person recorded in the official public record of the Parish as holding title to real property.

Premises. A lot, plot, or parcel of land, together with all or any part of any buildings or structures on the lot, plot, or parcel of land, considered as a unit devoted to a particular use, including accessory structures and open spaces required or used in connection with that particular use.

Stormwater management system. Any natural or manmade device, retention area, reservoir, apparatus or landscaping feature that retains storm water runoff within the boundary of a property lot for the purpose of facilitating ground absorption, evaporation, or otherwise slowing or reducing runoff into the public domain.

Structure. That which is built or constructed.

Toilet room. A room containing a water closet or urinal but not a bathtub or shower.

Undeveloped land. A lot, plot, or parcel of vacant land that has never housed a structure.

Uninhabitable. Not fit for habitation.

Vacant structure. A structure that:

- (1) Is without visible signs of continuous human habitation by persons legally entitled to be on the premises; and
- (2) Is substantially devoid of functional contents pertaining to the operations or activities customary to occupancy; or
- (3) Is unsecured, such that it is accessible without force to trespassers or other unauthorized persons.

Vacancy may be indicated by: the absence of utility usage, broken windows, broken doors, or collapsing or dilapidating features that pose a danger to the health or safety of surrounding residents or properties.

Any property that is capable of lawful occupancy and actively being marketed by its owner(s) for sale or rent shall not be deemed vacant.

Vacant land. A lot, plot, or parcel of land without a structure.

Ventilation. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Workmanlike. Executed in a skilled manner and performed with the same degree of care, skill, and diligence as would be ordinarily exercised by a competent practitioner of the same profession performing similar work under the same or similar circumstances; suitable for its intended purpose and free from defects in workmanship or materials.”

“Sec. 26-160. – Same—Weeds and plant growth.

- (a) Except as provided in subsection (b), all premises and exterior property, including vacant land, shall be maintained free from weeds or plant growth more than ten inches tall on the entirety of the lot, plot, or parcel. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs. Said term shall not include cultivated flowers, ~~and~~ gardens, or cover crops.

- (b) Undeveloped land shall be maintained free from weeds or plant growth more than ten inches tall within ten feet of any lot line and within 50 feet of any lot line adjoining a parcel of property containing an occupied structure. **Weeds shall be defined as all grasses, annual plants, and vegetation, other than trees or shrubs. Said term shall not include cultivated flowers, gardens, or cover crops.**
- (c) Without limiting any other remedy for violation of this chapter, or Chapters 6 and 66 of the Code of the City of New Orleans, a hearing officer may authorize the city or its agents to enter upon any property found in violation of this section for the purpose of maintaining or removing illegal or excessive weeds and plant growth. The cost of such maintenance or removal shall be paid by the owner or agent responsible for the property.”

“Sec. 66-312. – Duty to maintain plant growth, remove debris and graffiti.

- (a) It shall be the duty of every owner(s) of real estate within the city, or in case of a property whose primary purpose is commercial, the duty of the owner(s), occupant(s), or lessee(s) to at all times cut and mow the grass, weeds, or other deleterious or unhealthful growths 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 ten inches, and shall cause the removal of any cuttings or mowings. **For purposes of this chapter, the term “weeds” shall not include cultivated flowers, gardens, or cover crops.**
- (b) It shall be the duty of every owner of real estate within the city, or in case of a property whose primary purpose is commercial, the duty of the owner(s), occupant(s), or lessee(s) to at all times remove any trash, debris, refuse, or discarded matter from their respective property and in the space between the property line and the curblin in front, rear and alongside thereof, and in accordance with the applicable collection and disposal provisions of chapter 138 of this Code.
- (c) It shall be the duty of every owner(s) of real estate within the city, or in case of a property whose primary purpose is commercial, the duty of the owner(s), occupant(s), or lessee(s) to at all times destroy and remove poison oak, poison ivy, poison sumac, or similar noxious plants or growths from their respective property. For purposes of the division, destroy shall mean the complete killing of the plants or growths above the surface of the ground by the use of chemicals, cutting, tillage or any combination of those methods that will effectively prevent the growth from maturing and spreading.
- (d) It shall be the duty of every owner(s) of real estate within the city, or in case of a property whose primary purpose is commercial, the owner(s), occupant(s), or lessee(s) to at all times remove any graffiti from their respective property.
- (e) It shall be the duty of every owner(s) of real estate within the city, or in case of a property whose primary purpose is commercial, the owner(s), occupant(s), or lessee(s) to at all times refrain from storing or otherwise accumulating in or on the property objects or substances of a nature or in a quantity reasonably likely to create a hazard to the safety or health to the owner, occupant or lessee of the same, contiguous, or neighboring property.
- (f) Any person who violates subsections (a)—(e) shall pay up to a \$1,000.00 fine for each violation.”

Name: Grace Treffinger Ext. 84957
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 THE DOCUMENT: An ordinance to amend city code to exempt cover crops, a regenerative agriculture practice, to be exempt from the 10 inch weed requirement (along with existing exemptions of cultivated flowers and gardens).

1. Greg Nichols
Department Head
2. [Signature]
Department of Law
3. [Signature]
Chief Administrative Officer
4. [Signature]
Director of Council Relations
5. _____
Initials of the Sponsoring Council Member

COUNCIL ACTION

Council Members Present: _____

Absent: _____

AMENDMENTS:

FINAL ADOPTION:

_____	MOVED:
_____	2nd:
_____	YEAS:
_____	NAYS:
_____	ABSENT:
_____	RECUSED:

6. _____
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: _____

Name of Contact Person: _____

Telephone Number: _____

Email Address: _____

Initials of Sponsoring Councilmember(s): _____

DETAILED SYNOPSIS OF THE ORDINANCE

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



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:

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

Any fiscal implications for the City with the contract:

The public purpose and need for the contract:

The duration of the contract:



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:

The general content/requirements of the existing Code provision:

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

Why these changes are needed:

REQUESTED ADOPTION DATE: _____

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