

## Chapter 9

### GARBAGE, TRASH AND WEEDS\*

#### Sec. 9-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commercial establishment* shall mean a building, structure or premises used to house the operation of any business, profession or trade.

*Residence* shall mean a building, structure or premises used exclusively as a dwelling.  
(Code 1964, § 9-1)

**Cross reference**—Definitions and rules of construction generally, § 1-2.

#### Sec. 9-2. Containers required.

It shall hereafter be unlawful for any person to fail to provide a garbage can or pail for their home or place of business, in which to place garbage, waste and refuse.

(Code 1964, § 9-2)

#### Sec. 9-3. Size and weight of containers at residences.

The garbage can required at residences shall be not larger than thirty-five (35) gallons and weigh not more than seventy-five (75) pounds.

(Code 1964, § 9-3)

#### Sec. 9-4. Sanitation department to determine adequacy of containers.

The department of sanitation shall have the authority to determine whether a garbage can is satisfactory or adequate.

(Code 1964, § 9-6)

#### Sec. 9-5. Garbage to be placed in containers.

It shall be unlawful for the owner or lessee of any public or private premises to accumulate upon his premises any garbage except in covered containers of sizes provided by this chapter.

(Code 1964, § 9-7)

**\*Charter reference**—Authority to regulate the removal of garbage beyond the corporate limits, § 16(3).

**Cross references**—Buildings and building regulations, Ch. 5; health and sanitation, Ch. 10; littering, § 11-11.

**State law reference**—Municipal authority to collect and dispose garbage and trash, R.S. 33:4169.1.

**Sec. 9-6. Garbage, trash accumulations not to remain over seven days.**

It shall be unlawful for any owner or lessee of any public or private premises to allow any garbage, trash, rubbish or other waste to remain on his premises for a period exceeding seven (7) days duration.

(Code 1964, § 9-8)

**Sec. 9-7. Garbage collection and disposal charges—Levied.**

The garbage collection and disposal charge levied upon the owners or lessees of all occupied residences, commercial and other establishments in the town shall be set from time to time by the mayor and selectmen and such charges are on file in the town clerk's office.

(Code 1964, § 9-9; Ord. No. 649, 7-21-77)

**Sec. 9-8. Same—Billing and collection.**

(a) The garbage collection and disposal charge shall be incorporated in the monthly bills issued by the town, and shall be paid at the town hall. The payment of same shall be governed by all rules, regulations and ordinances pertaining to the payment of accounts for the use of water and sewerage services.

(b) The sanitation charges shall be shown on and added to the water bills where the user of the sanitation service is also a purchaser of water in the town, and failure of the customer to pay the amount thereof shall be cause for the discontinuance of both garbage and water services.

(Code 1964, § 9-10; Ord. No. 649, 7-21-77)

**Cross reference—**Water, § 17-21 et seq.

**Sec. 9-9. Offensive accumulations, weeds and grass.**

(a) *Responsibility of land owners.*

(1) The owner of any land or property in the Town of Homer has the responsibility to maintain all such property in a condition free from noxious weeds, grass, vines, brush or other growths or accumulations.

(2) The owner of any land or property in the Town of Homer which adjoins or abuts any sidewalk has the responsibility to maintain such abutment or adjoinment in a condition free from weeds, grass, vines, brush or other growths or accumulations.

(b) *Inspection and regulation of weeds, grass, vines, brush, or other growths or accumulations.*

The town inspector and/or street superintendent in and for the Town of Homer, is hereby authorized and charged with the responsibility to conduct regular and periodic inspections of the sidewalks, blocks, lots, and other areas within the corporate limits of the Town of Homer, for the purposed determining when the cutting destroying, or removing of noxious weeds, grass, vines, brush or other deleterious or unhealthy growths or accumulations may be necessary.

(c) *Notice to owners.*

- (1) When the town inspector and/or street superintendent determines that the presence, growth, or accumulation of noxious weeds, grass, vines, or brush or other growths on any property within the corporate limits of the Town of Homer constitutes an unhealthy, unsafe, or unsanitary condition, the street superintendent shall report same to the city clerk, together with a description of the property and its condition.
- (2) Upon receipt of such report, the city clerk shall prepare and send a notice directed to the owner of said property, as shown on the most recent assessment roll. Said notice shall state that the owner must cut, destroy, or remove all noxious weeds, grass, vines, brush and other growths or accumulations within ten (10) days after the receipt of said notice. The city clerk shall send said notice by registered mail to the owner at the address shown on the most recent assessment roll.

(d) *Power of town to undertake cutting, destruction or removal.*

If the landowner has failed to cut, destroy or remove the weeds, grass, vines, brush or growths or accumulations on said property after the expiration of the notification period; or if the notice is returned unclaimed, the street superintendent shall recommend the weeds, grass, vines, brush, and other growths or accumulations to be cut, destroyed or removed. The street superintendent shall thereafter file with the city clerk a record of the actual cost of such actions.

(e) *Payment or collection of costs.*

If the cost of these actions, together with the cost of notification, has not been paid within ten (10) days of the completion of the cutting, destruction or removal, the city clerk shall send a written statement of the costs, and identifying description of the place on which the work was done, by registered mail, to the owner of said property, as shown by the most recent assessment roll. If said statement is not paid within one month after receipt by or on behalf of the owner, the amount thereof shall be included in and form part of the taxes due by the owner of said property. If said statement is returned unclaimed, the amount thereof shall be included in and form part of the taxes due by the owner of said property.

(f) *Collected costs credited to general fund.*

Amounts collected for these charges and costs through the payment of taxes shall be credited to the general fund of the Town of Homer.

(g) *Public record maintained.*

The treasurer for the Town of Homer 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, to the assessment.

(h) *Repeated or continuing failure to maintain property.*

- (1) If a landowner has been notified pursuant to subsection (c) at any time in the preceding six (6) months, and has failed to do the required work thereafter, the street superintendent, upon complying with the conditions set forth in subsection (c)(2), may undertake the cutting, destroying or removal of weeds, grass and other growths on a monthly basis without further notification under subsection (c). Any actual costs incurred in such monthly cutting, destroying, or removing of weeds, grass or other growths shall be collected according to the procedures set forth in subsections (d) through (g) above.
- (2) Prior to undertaking a procedure on monthly cutting, destroying or removing weeds, grass or other growths from property under subsection (h)(a), the street superintendent and/or town inspector shall submit and record an affidavit in a special record maintained at city hall in the Town of Homer. Such affidavit shall:
  - a. Be signed by the mayor;
  - b. Contain a description of the property sufficient to reasonably identify same;
  - c. Be accompanied by a photograph sufficient to reasonably identify its unsafe and unsanitary condition and to justify the necessity for cutting, destroying, or removing weeds, grass, vines, brush and other noxious growths or accumulations;
  - d. State that the responsible property owner has within the past six (6) months failed to do such work after notification and opportunity to do so pursuant to subsection (c).

(Code 1964, § 9-11; Ord. No. 837, 8-2-99)

**Editor's note**—Ord. No. 837, adopted Aug. 2, 1999, did not specifically amend the Code and has been included herein as superseding the provisions of former § 9-9 pertaining to the same subject matter, which derived from Code 1964, § 9-11.

**Cross references**—Administration, Ch. 2; health and sanitation, Ch. 10, offenses and miscellaneous provisions, Ch. 11; streets and sidewalks, Ch. 14; taxation, Ch. 15.

**State law reference**—Weed cutting in municipalities, R.S. 33:5062 et seq.