

**City of Mansfield**  
**MINUTES OF *REGULAR* PUBLIC MEETING**  
**October 14, 2019**

The Board of Aldermen met in *regular* session on **October 14th**, in Mansfield City Hall located at 705 Polk Street. Mayor Mayweather called the meeting to order at **4:30 p.m.**, after which an Invocation was offered by **Alderman Joseph Hall, Jr.** The Pledge of Allegiance was led by **Alderman Christopher S. Thomas.** Following the pledge, the roll call was suspended. However, the following officials were recorded as **Present:** Hon. John Mayweather, Sr., - **Mayor**, Mary J. Green –District **A**, Christopher S. Thomas –District **B**, Mitchell L. Lewis – District **C**, and Joseph Hall, Jr. –District **D.** **Absent:** Kervin D. Campbell –District **E.** **City Hall Personnel, Dept. Heads, & Other City Personnel Present:** Gwendolyn Jones (Deputy Clerk), Brian Phillips (Court Clerk), Tommie Crawford (Public Relations Officer), Jim Ruffin (Public Works Director), Annette Blue (Police Chief), Billy Locke (Asst. Police Chief) and Nathaniel Anderson, Jr. (Detective –Mansfield Police Dept.). **Press Present:** Martha Rivers (*The Enterprise*).

It was MOTIONED by **JOSEPH HALL, JR.** and SECONDED by **MITCHELL L. LEWIS** to approve the minutes of the **September 23, 2019 *regular*** City Council meeting and dispense with the reading. Motion Passed Unanimously.

It was MOTIONED by **MITCHELL L. LEWIS** and SECONDED by **JOSEPH HALL, JR.** to approve the payment of current outstanding bills for this period. Motion Passed Unanimously.

The City Clerk next opened the floor to hear **Public Comments** from those in attendance to any item outlined on the meeting agenda. Several individuals expressed a desire to voice their comments and concerns regarding a proposal offered to the City by representatives of **Mundy Sanitary Landfill** a facility owned by the DeSoto Parish Police Jury) to direct treated wastewater from that facility to the City's Sewer Treatment Plant for further treatment and discharge. This matter was scheduled to be further explained under New Business Item A. However, several attendees rose to make their concerns known during the Public Comments Period. One Louisiana State Representative (Col. Kenny R. Cox), one DeSoto Parish Police Juror (Jeri Burrell), one Mansfield business owner (Betty Carter), and one Mansfield resident (Breka Peoples) individually, but in succession, stood to speak in opposition of the City moving forward with this endeavor. A common statement among all of those who orally voiced their concerns shared this one opinion – that allowing the City to accept wastewater effluence into its sewer treatment facility would somehow contaminate the City's water distribution system. At least two of the attendees made reference to the 2014 water supply switch that occurred in the City of Flint, Michigan. In 2014, the City of Flint, Michigan switched its source of municipal water from purchased Detroit water to water from the Flint River, with an eye on ultimately getting water through a new pipeline that sourced the water from Lake Huron. Simultaneous to the water supply switch was an outbreak of Legionnaire's Disease, a severe form of pneumonia that can be fatal, especially to those with compromised immunity. Following tests on the water a year later (2015), it was determined that the Flint River water contained dangerously high amounts of lead. Certain attendees at this council meeting feared that a similar circumstance would result here if

the City proceeded with the Mundy Landfill's proposal to accept wastewater from the landfill into the City's sewer system. Without additional information, at this time even the Aldermen present were in opposition to entertaining this endeavor. Finally, making an unrelated comment to this issue, another Mansfield resident (Fran Norwood) stood to voice her appreciation of the City's decision to amend the Ordinances on "*Buildings and Building Regulations*" and "*Health and Sanitation*" contained within the Mansfield Code of Ordinances. These Ordinances are in chapters 6 and 10, respectively. Chapter 6 was revised to include procedures for moving buildings/structures along or across public thoroughfares located within the City's corporate limits. Secondly, procedures for addressing the abatement of dangerous structures (dilapidated buildings) were inserted into this Chapter. Finally, procedures and recourse measures regarding the siting of manufactured and modular structures within the City limits were also incorporated into this Chapter. These Chapters now streamline the guidelines and more clearly defines the City's recourse measures when property owners fail to properly maintain their real estate in a sanitary condition. When no further comments were offered from the floor, the **Public Comments Period** was then subsequently closed.

At this time, the city clerk requested that the agenda be amended to receive a presentation from Mr. **James "Jim" Hagan, Jr.** of **BALAR Associates, Inc.** regarding the proposal offered by **Mundy Sanitary Landfill** to have the city accept wastewater effluence from that facility. When no objections were voiced from the Council or the floor to amending the agenda for the aforementioned reason, it was MOTIONED by **JOSEPH HALL, JR.** and SECONDED by **MITCHELL L. LEWIS** to authorize amendment of the published agenda. Motion Passed Unanimously. Mr. Hagan, whose firm will act as consulting engineers for both entities should the City decide to moving forward with this project, began by stating that the wastewater from the Landfill will not be introduced into the City's wastewater collection system. It will be pumped and discharged directly into the City's Sewer Treatment Plant on George Hunt Road. Cross-contamination into the City's water system is not an issue since the City has two separate treatment plants – one for water and another for sewer (pipelines for two separate effluences). He continued by informing those in attendance that the City's Sewer Treatment Plant is in dire need of making some much-needed improvements, even without accepting the Landfill's wastewater effluence. Included in the Landfill's proposal was that they would assist with funding the improvements needed at the City's treatment facility, if the City would consent to accepting the Landfill's wastewater effluence. Additionally, the wastewater being pumped from the Landfill would be metered leaving the facility and upon entering the City's sewer system. The Police Jury would be billed according to the effluence measured on the meter and could possibly realize as much as \$15,000 monthly. At the conclusion of Mr. **Hagan's** presentation it was MOTIONED by **JOSEPH HALL, JR.** and SECONDED by **MARY J. GREEN** to take all the information and comments disseminated at this meeting under advisement and table further discussion of this matter for a later time. Motion Passed Unanimously.

**Old Business:**

Item A: A public hearing was conducted to hear and discuss any comments related to the adoption of proposed **Ordinance No. 3 of 2019**, drafted to amend all of Chapter 6 of the Mansfield Code of Ordinances, titled ***“Buildings and Building Regulations.”*** When no comments were voiced concerning this Ordinance or its proposed adoption, the public hearing was then subsequently closed.

Item B: It was MOTIONED by **JOSEPH HALL, JR.** and SECONDED by **MITCHELL L. LEWIS** to approve adoption of **Ordinance No. 3 of 2019**, drafted to amend all of Chapter 6 of the Mansfield Code of Ordinances, titled ***“Buildings and Building Regulations.”*** (Full Ordinance recited below):

**CITY of MANSFIELD  
ORDINANCE NO. 3 of 2019**

AN ORDINANCE AMENDING CHAPTER 6 TITLED, ***“BUILDINGS & BUILDING REGULATIONS”***, OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, STATE OF LOUISIANA, AND TO PROVIDE FOR ALL OTHER RELATED MATTERS

BE IT ORDAINED, by the Mayor and Board of Aldermen of the City of Mansfield, Louisiana, in ***regular*** session convened, that Chapter 6 of the Code of Ordinances of the City of Mansfield, Louisiana, is hereby enacted to read as follows:

All previous Sections of Chapter 6 contained in the City’s Code of Ordinances are hereby repealed by the adoption of this Ordinance.

**ARTICLE I. IN GENERAL**

**Sec. 6-1. Reserved.**

**Sec. 6-2. Permit Fees.**

A permit fee based on the following shall be charged for the issuance of any permit under the provisions of the building code adopted by the provisions of this chapter:

- |   |        |
|---|--------|
| (1) For each one thousand dollars (\$1,000.00) of valuation of the construction project in the downtown building district | \$8.00 |
|---|--------|

(2) For each one thousand dollars (\$1,000) of valuation of the construction project elsewhere in the city

5.50

**Sec. 6-3. Building Official – Establishment of office.**

- (a) The office of building official is hereby created and the executive official in charge shall be known as the building official.
- (b) The building official shall be appointed by the mayor.
- (c) During the temporary absence or disability of the building official, the appointing authority shall designate an acting building official.

**(Code 1964, 6-2)**

**Sec. 6-4. Same – Qualifications.**

The person to be designated as the building official shall not have any interest whatever, directly or indirectly, in the sale or manufacture of any material, process or device entering into or used in or in connection with building construction, alterations, removal and demolition.

**(Code 1964, 6-3)**

**Sec. 6-5. Same – Duties**

- (a) The building official shall receive applications required by this code and issue permits. He shall, when requested by proper authority, or when the public interest so requires, make investigations in connection with matters referred to in the building code and render written reports on the same. To enforce compliance with law, to remove illegal or unsafe conditions, to secure the necessary safeguards during construction, or to require adequate exit facilities in buildings and structures, he shall issue such notices or orders as may be necessary.
- (b) Inspections under the provisions of the building code shall be made by the building official or his duly appointed assistant. The building official may accept reports of inspectors of recognized inspection services, after investigation of their qualifications and reliability.

**(Code 1964, 6-6)**

**Sec. 6-6. Same – Right of entry.**

The building official, in the discharge of his official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

**(Code 1964, 6-6)**

**Sec. 6-7. Fire Districts.**

The fire districts of the city are hereby established as follows:

- (1) Courthouse square and Blocks 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 41, 42, 58, and 59 of the original plat of the townsite of Mansfield.
- (2) In addition to subsection (1) above, within three hundred (300) feet of any building used for human occupancy or for commercial purposes.

**(Code 1964, 6-7.1, 6-8)**

**Sec. 6-8. Underground utilities and facilities damage prevention.**

In accordance with the provisions of R.S. 40:1749.19, the city hereby declares that it does not desire to be included under the provisions of the “Louisiana Underground Utilities and Facilities Damage Prevention Law,; Act 923 of the 1988 Legislature, R.S. 40:1749.11 through R.S. 40:1749.22.

**(Ord. No. 12-1989, 1, 10-9-89)**

**Sec. 6-9. Address notification forms for new structures, mobile homes and filing of new and revised subdivisions required.**

(a) *Completion and delivery to district coordinator; definitions.* Address notification forms shall be completed and delivered to the DeSoto Parish Enhanced 911 Communication District Coordinator by all persons, firms, partnerships, corporations and other legal entities who construct or utilize new structures or locate or relocate mobile homes within the city of Mansfield.

- (1) A “new structure” is defined for the purpose of this section as a house or apartment newly constructed, being occupied for the first time.
- (2) A “relocated mobile home” is defined for the purpose of this section as one having been moved from one (1) location to another, either within the city or from outside the city.

- (b) *New Subdivisions and existing plats.* All persons, firms, corporations, partnerships and other legal entities developing new subdivisions or revising existing subdivision plats shall complete an “address notification form” and obtain from the DeSoto Parish Enhanced 911 Communication District Coordinator designated address numbers and place same on the subdivision plat or revised subdivision plat prior to filing said plat in the records of DeSoto Parish.
- (c) *Utility Services.* Companies Providing telephone, gas, electrical, water, or other utility services shall not furnish said utility services to any new structure or new or relocated mobile home (as defined in subsection (a) above) or to any lots or structures located within new or replatted subdivisions or to any structure, mobile home or lot wherein the residency or occupancy of same has changed until said utility company has been furnished with proof that the DeSoto Parish Enhanced 911 Communication District Coordinator has been furnished with an “address notification form” and has issued a designated address number for said structure, new or relocated mobile home, or lot.
- (d) *Duties and responsibilities of owners, tenants and occupants.* It shall be the duty and responsibility of each owner, tenant and occupant of houses, buildings or structures to which a designated address number has been assigned by the DeSoto Parish enhanced 911 Communication District Coordinator to, within thirty (30) days after the assignment of such number:
- (1) Post said designated address number in a conspicuous place;
  - (2) Remove any different number which might be mistaken for or confused with the address number assigned to such structure;
  - (3) Display the number assigned to the frontage on which the front entrance is located, except in those cases where the access differs from that of the normal front in which case the structure would be addressed from the location of the alternate entrance;
  - (4) Display the designated address numbers on each entrance in the event there is more than one (1) family or one (1) a business occupying a structure;
  - (5) Post said designated address numbers in a manner as to be legible and distinguishable from the street or road on which the property is located; in such a manner as to be seen from either direction along any street or road; which numbers being no smaller than three (3) inches in height;

(6) Post designated address numbers on mailboxes, if utilized, so as to be visible from either direction, which numbers being no less than three (3) inches in height.

(7) In the event the structure is not visible from the street or road on which it is located and no mail box is beside the road or driveway leading to the structure, place a sign or number post showing the designated address number.

(e) *Violations; penalties.* Anyone who violates any provisions of this section shall be guilty of a misdemeanor and subject to a fine of up to one hundred fifty dollars (150.00). Each day a violation occurs shall constitute a separate offense.

**(Ord. No. 7-1993,1-5, 9-7-93; Ord. No. 2-1994, 1, 4-25-94)**

**Secs. 6-10—6-30. Reserved.**

## **ARTICLE II. BUILDING CODES AND PERMITS\***

### **Sec. 6-31. Definitions.**

*City of Mansfield Building Official* shall mean that employee or individual appointed by the City of Mansfield Town Council to serve as the building official for the city and to serve as building codes enforcement officer for the city.

**(Ord. No. 11-2006, 1(6-1012), 12-11-06)**

### **Sec. 6-32. Adoption of State Uniform Construction Code.**

Pursuant to La. R. S. 40:1730.21 et seq., the following codes are hereby adopted as the regulations governing the construction of buildings and other structures in the City of Mansfield. Unless specified, all standards contained in a referenced code are adopted and included for purposes of this ordinance. Unless referenced by name or letter designation, no appendix or appendices to a code is adopted.

- (1) The International Building Code, 2015 Edition, as published by the International Code Council, not including Chapter 1-Administration, Chapter 11- Accessibility, Chapter 27- Electrical, and Chapter 29-Plumbing Systems, including any standards referenced therein, but not including any appendices thereto and;
- (2) The International Existing Building Code, 2012 Edition, as published by the International Code Council, including any standards referenced therein, but not including any appendices thereto and not including Chapter 1-Administration;

(3) International Residential Code, 2015 Edition, as published by the International Code Council, including Appendix J, Existing Buildings and Structures, but not including Parts I - Administrative, V – Mechanical, VII – Plumbing, and VIII – Electrical. IRC R301.2.1.1 (Design Criteria) therein shall be amended as follows and shall only apply to the International Residential Code, 2015 Edition:

- a. Item 6 of Guide to Concrete Masonry Residential Construction in High Winds Areas, as published by the American Concrete Institute, shall be added;
- b. Item 7, Optional Code – Plus Fortified for Safer Living, as published by Institute for Business and Home Safety, shall be added; and
- c. Item 8, Optional Code – plus Blueprint for Safety, as published by Federal Alliance for Safe Homes, shall be added.
- d. International Mechanical Code, 2015 Edition, as published by the International Code Council;
- e. Louisiana State Plumbing Code [Part XIV (Plumbing) of the State Sanitary Code];
- f. International Fuel Gas Code, 2015 Edition, as published by the International Code Council; and
- g. National Electrical Code, 2014 Edition, as published by the National Fire Protection Association.

**(Ord. No. 11-2006, 1(6-103), 12-11-06)**

**Sec. 6-33. Permits.**

It shall be unlawful to construct, enlarge, alter, repair, move, demolish, or change the occupancy of any building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the technical codes adopted in section 6 – 32, or to cause any such work to be done, without obtaining a properly issued permit from the City of Mansfield building official for that work.

**(Ord. No. 11-2006, 1(6-105), 12-11-06)**

**Sec. 6-34. Application for permit.**

The permit mandated under section 6 – 33 shall only be issued after the owner or his designee has submit an application for a construction permit to the city building official and that

official has approved the application for permit. The application shall, at a minimum, include the following information:

- (1) Name, address, and daytime telephone number of owner;
- (2) Name, address, and daytime telephone number of any and all contractors;
- (3) Location of the construction;
- (4) Description of the construction, including but not limited to square footage, type of construction, intended occupancy, and whether any work will involve following types;
  - a. Electrical;
  - b. Concrete or masonry;
  - c. Plumbing
  - d. Structural; and
  - e. Natural gas, liquefied gas, or other gas fuel.
- (5) Anticipated completion of contraction; and
- (6) Certification, under penalty of perjury, that the construction will be done in compliance with the applicable codes and standards.

**(Ord. No. 11-2006, 1(6-107), 12-11-06)**

**Sec. 6-35. Certification of compliance.**

It shall be unlawful for any structure or other construction which is required to be permitted under section 6 – 33 to be occupied, used, or otherwise put in service before the owner or his designee has filed a certificate of completion and compliance on the form provided by the city building official. The certificate of completion and compliance shall include the following information:

- (1) Name, address, and daytime telephone number of owner;
- (2) Name, address, and daytime telephone number of any and all contractors;

- (3) Location of the construction;
- (4) Description of the construction, including but not limited to square footage, type of construction, and intended occupancy;
- (5) Date of construction; and
- (6) Certification, under penalty of perjury, that the construction was done in compliance with the applicable codes and standards.

**(Ord. No. 11-2006, 1(6-111), 12-11-06)**

**Sec. 6-36. Enforcement of construction code.**

The building official of the City of Mansfield, may, through the city attorney, seek to enjoin further construction or work which is required to be permitted under this chapter and which construction or work does not have a validly issued permit. Further, the building official may seek to enjoin the occupancy or use of any building or structure which has, without compliance with this chapter, been, in whole or in part, constructed, enlarged, altered, repaired, moved, demolished, or the occupancy changed or for which the electrical, gas mechanical or plumbing system has been erected, installed, enlarged, altered, repaired, removed, converted or replaced in any fashion.

**(Ord. No. 11-2006, 1(6-113), 12-11-06)**

**Sec. 6-37. Building official.**

There shall be a city building official who shall be the city building code enforcement officer responsible for the administration and enforcement of the Louisiana State Uniform Construction Code in the City of Mansfield.

**(Ord. No. 11-2006, 1(6-115), 12-11-06)**

**Sec. 6-38. Penalty.**

Any person, partnership, or corporation who violates any of the provisions of this chapter or aids or abets in the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punishable by a fine of not exceeding five hundred dollars (\$500.00) not less than one hundred dollars (\$100.00) for each offense.

**(Ord. No. 11-22006, 1(6-117), 12-11-06)**

**ARTICLE III. MOVING BUILDINGS**

Sec. 6-50. - Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meaning indicated in this section:

*Building* is a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for a residential, business, mercantile, storage, commercial, industrial, institutional, assembly, educational, or recreational purpose.

*Building inspector* is the City Building Official.

**(Ord. No. 3-2019, 10-14-19)**

Sec. 6-51. - Permit—Required.

No person shall move a building over, along or across any highway, street or alley in the city without first obtaining a permit from the building inspector.

**(Ord. No. 3-2019, 10-14-19)**

Sec. 6-52. - Same—Application; fee.

- (a) *Generally.* A person seeking issuance of a permit required by section 6-51 shall file an application for such permit with the building inspector.
- (b) *Form.* The application for such permit shall be made in writing, upon forms provided by the building inspector, and shall be filed in the office of the building inspector.
- (c) *Contents.* The application for such permit shall set forth:
  - (1) A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior;
  - (2) A legal description of the lot from which the building is to be moved, giving the lot, block and tract number, if located in the city;
  - (3) A legal description of the lot to which it is proposed such building shall be removed, giving lot, block and tract number, if located in the city;
  - (4) The portion of the lot to be occupied by the building when moved;
  - (5) The highways, streets, and alleys, over, along or across which the building is proposed to be moved;
  - (6) The proposed moving date and hour; but not less than three (3) days after the date of application;
  - (7) Any additional information which the building inspector shall find necessary to a fair determination of whether the permit should be issued.
- (d) *Accompanying papers.*
  - (1) Tax certificate. The owner of the building to be moved shall file with the application for such permit sufficient evidence that the building and lot from which it is to be removed are free of any entanglements and that all taxes and any city charges against the same are paid in full;
  - (2) Certificate of ownership or entitlement. The applicant, if other than the owner, shall file with the application for such permit a written statement or bill of sale signed by the owner, or other sufficient evidence, that he is entitled to move the building.
- (e) *Fee.* The application shall be accompanied by a permit fee in the amount of one hundred dollars (\$100.00). If the building to be moved requires more than an hour to move, such fee

shall be augmented by a charge of twenty dollars (\$20.00) per hour, for every hour or portion of an hour, in excess of one hour.

**(Ord. No. 3-2019, 10-14-19)**

Sec. 6-53. - Same—Examination of building and equipment prerequisite to issuance.

The building inspector shall inspect the building and the equipment of the applicant for a permit required by section 6-51 to determine whether the standards for issuance of a permit set out in section 8-38 are met.

**(Ord. No. 3-2019, 10-14-19)**

Sec. 6-54. - Same—Standards of issuance.

(a) The building inspector shall refuse to issue a permit required by section 6-51 if he finds:

- (1) That any application, requirement or any fee or deposit requirement has not been complied with;
- (2) That the building is too large to move without endangering person or persons or property in the city;
- (3) That the building is in such a state of deterioration or disrepair or is otherwise so structurally unsafe that it cannot be moved without endangering persons and property in the city;
- (4) That the building is structurally unsafe or unfit for the purpose for which moved, if the removal location is in the city;
- (5) That the applicant's equipment is unsafe in that persons and property would be endangered by its use;
- (6) That zoning or other ordinances would be violated by the building in its new location;
- (7) That for any other reason, persons or property in the city would be endangered by the moving of the building.

(b) A copy of the application shall be sent to the chief of police of the city.

**(Ord. No. 3-2019, 10-14-19)**

Sec. 6-55. - Same—Permittee's duties.

Every person to whom a permit required by section 6-51 has been issued shall:

- (1) *Use designated streets.* Move a building only over the streets designated for such use in the written permit.
- (2) *Notify of revised moving time.* Notify the building inspector in writing of a desired change in moving date and hours as proposed in the application.
- (3) *Notify of damage.* Notify the building inspector in writing of any and all damage done to property belonging to the city within twenty-four (24) hours after the damage or injury has occurred.

- (4) *Display lights.* Cause red lights to be displayed during the nighttime on every side of the building, while standing on the street, in such a manner as to warn the public of the obstruction, and shall at all times erect and maintain barricades across the streets in such a manner as to protect the public from damage or injury by reason of the removal of the building.
- (5) *Street occupancy.* Remove the building from the city streets after four (4) days of such occupancy, unless an extension is granted by the mayor of the city.
- (6) *Comply with governing laws.* Comply with the building code, the fire zone, the zoning ordinance and all other applicable ordinances and laws upon relocating the building in the city.
- (7) *Pay expense of officers.* Pay the expense of a traffic officer ordered by the building inspector to accompany the movement of the building to protect the public from injury.
- (8) *Clear old premises.* Remove all rubbish and materials and fill all excavations to existing grade at the provisional building site so that the premises are left in a safe and sanitary condition.
- (9) *Remove service connections.* See that the sewer line is plugged with a concrete stopper, the water and electricity are shut off, and the meters returned to the city water department; notify the gas company to remove its service.

**(Ord. No. 3-2019, 10-14-19)**

Sec. 6-56. - Deposits—General; charges against.

- (a) *Required.* An application for a permit required by section 6-51 shall be accompanied by a cash deposit in the sum of five hundred dollars (\$500.00) as an indemnity for any damage which the city may sustain by reason of damage or injury to any highway, street or alley, sidewalk, fire hydrant or other property of the city, which may be caused by or be incidental to the removal of any building over, along or across any street in the city and to indemnify the city against any claim of damages to persons or private property, and to satisfy any claims by private individuals arising out of, caused by or incidental to the moving of any building over, along or across any street in the city.
- (b) *Bond in lieu of deposit.* Any person filing an application herein may, in lieu of the general cash deposit required above, file with the building inspector a bond approved as to form by the city attorney, executed by a bonding or surety company authorized to do business in the state, in the amount of five hundred dollars (\$500.00), conditioned upon the assurance that this article and other applicable ordinances and laws will be complied with. Such bond shall run to the city for the use and benefit of any person intended to be protected thereby and shall be conditioned on the payment of any damage to public or private property and the payment for any damages or loss resulting from any malfeasance, misfeasance, or nonfeasance or negligence in connection with any of the activities or conditions upon which the permit applied for is granted.
- (c) *Insurance policy in lieu of deposit.* Any person filing an application hereunder may, in lieu of the general cash deposit required above, file with the building inspector a liability insurance policy, issued by an insurance company authorized to do business in the state, and

approved as to form by the city attorney, in the same amount and providing the same protection as would be required by a bond hereunder.

- (d) *Work performed by city to be charged against.* The city shall proceed to do the work necessary to leaving the original premises in a safe and sanitary condition, where the permittee does not comply with the requirements of this article and the cost thereof shall be charged against the general deposit.

**(Ord. No. 3-2019, 10-14-19)**

Sec. 6-57. - Same—For expense to city; permittee's liability for amounts above.

- (a) Upon receipt of an application for a permit required by section 6-51, it shall be the duty of the building inspector to procure from the department of public utilities an estimate of the expense that will be incurred in removing and replacing any electric wires, streetlamps or pole lines belonging to the city or any other property of the city, the removal and replacement of which will be required by reason of the moving of the buildings through the city, together with the cost of materials necessary to be used in making such removals and replacements. Prior to the issuance of the permit, the building inspector shall require of the applicant a deposit of a sum of money equal to twice the amount of the estimated expense.
- (b) The permittee shall be liable for any expense, damages or costs in excess of the deposited amount of securities, and the city attorney shall prosecute an action against the permittee in a court of competent jurisdiction for the recovery of such excessive amount.

**(Ord. No. 3-2019, 10-14-19)**

Sec. 6-58. - Disposition of deposits and fees.

- (a) *Deposit.* The building inspector shall deposit all fees and deposits, and all bonds or insurance policies collected pursuant to this article with the finance director.
- (b) *Return upon nonissuance.* Upon his refusal to issue a permit required by section 6-51, the building inspector shall return to the applicant all deposits, bonds and insurance policies. Permit fees filed with the application shall not be returned.
- (c) *Return upon allowances for expense.* After the building has been removed, the building inspector shall furnish the secretary-treasurer of the city with a written statement of all expenses incurred in removing and replacing all property belonging to the city, and all material used in the removal and replacement, together with a statement of all damage caused to or inflicted upon the property belonging to the city. The finance director of the city shall authorize the building inspector to return to the applicant all deposits after the finance director deducts a sum sufficient to pay for all costs and expenses and for all damage done to the property of the city by reason of the removal of the building. Permit fees deposited with the application shall not be returned.

**(Ord. No. 3-2019, 10-14-19)**

Sec. 6-59. - Designation of streets for removal.

The building inspector shall procure from the chief of police a list of the designated streets over which a building for which a moving permit required by section 6-51 has been procured

may be moved. The building inspector shall have the list approved by the chief of police and shall reproduce the list upon the permit in writing. In making the determination of such list, the chief of police shall act to assure maximum safety to persons and property in the city and to minimize congestion and traffic hazards on public streets.

**(Ord. No. 3-2019, 10-14-19)**

Sec. 6-60. - Enforcement officers.

The building inspector, the police department, public works department and utilities department shall enforce and carry out the requirements of this article.

**(Ord. No. 3-2019, 10-14-19)**

**State Law reference**— Similar provisions, R.S. 26:84, 26:282.

**Secs. 6-61—6-69. Reserved.**

#### **ARTICLE IV. ABATEMENT OF DANGEROUS STRUCTURES**

Sec. 6-70. - Condemnation.

The city may condemn and cause to be demolished or removed any building or structure within the city when it is in a dilapidated or dangerous condition which endangers the public welfare.

**(Ord. No. 3-2019, 10-14-19)**

**State Law reference**— Similar provisions, R.S. 33:4761.

Sec. 6-71. - Notice to owner; absent owner; hearing; notice filed with recorder of mortgages binds transferees.

Before the city may condemn any building or structure, there must be submitted to it a written report recommending the demolition or removal of the building signed by some city official or other person authorized to act in such matters for the city. The mayor, or his designee through the department of community affairs, shall thereupon serve notice on the owner of the building or structure requiring him to show cause before the city council, at either a regular or special meeting, why the building or structure should not be condemned. The date and hour of the meeting shall be stated in the notice which shall be served at least ten (10) days prior to the date of the hearing, except in case of grave emergency as hereinafter provided. The notice may be served by registered or certified mail, postage prepaid, addressed to the owner at his last known address, as taken from city records or the parish assessor's records. The notice may also be served by the city marshal or by any deputy sheriff or constable having jurisdiction and power to serve legal process where the owner of the building or structure is found in the State of Louisiana, and the officer shall make return of the service as in ordinary cases.

If the owner is absent from the state or unrepresented therein, then the notice shall be served upon the occupant of the condemned building or structure, if any, and also upon an attorney at

law appointed by the mayor to represent the absentee. Domiciliary service may be made as in ordinary cases.

In case of grave public emergency where the condition of the building is such as to cause possible immediate loss or damage to person or property, the city may condemn the building after twenty-four (24) hours' notice served upon the owner or his agent or the occupant and attorney at law appointed to represent the absentee owner.

Any notices served pursuant to this section shall be filed with the recorder of mortgages where the property is located. Once filed, such notice shall be deemed notice to all subsequent transferees. Any transferee of such property takes the property subject to all recorded liens, mortgages, and notices thereunto pertaining.

**(Ord. No. 3-2019, 10-14-19)**

**State Law reference**— Similar provisions, R.S. 33:4762.

Sec. 6-72. - Decision of the city; order to demolish or repair.

After the hearing, if, in the opinion of the city, the facts justify it, an order shall be entered condemning the building or structure and ordering that it be demolished or removed within a certain delay. In any event, except as provided otherwise in this article, the actual demolition shall not commence until at least thirty (30) days after the entry of the order of demolition by the city.

If repairs will correct the dilapidated, dangerous or unsafe condition, the city may grant the owner the option of making such repairs, but in such case the general nature or extent of the repairs to be made, the time thereof, and the defects to be corrected, shall be specified in the decision of the city.

The decision and order of the city shall be in writing and shall be final unless appealed from within five (5) days as hereinafter provided.

**(Ord. No. 3-2019, 10-14-19)**

**State Law reference**— Similar provisions, R.S. 33:476

Sec. 6-73. - Appeal from decision.

The owner, occupant, agent or other representative of the owner may appeal from the decision of the city council to the district court for the Parish of DeSoto. The appeal shall be made by the filing of a suit against the city, setting forth the reasons why the decision or order of the city is illegal or improper and the issue shall be tried de novo and by preference in the district court. Where a grave public emergency has been declared by the city, the owner of the building or structure who desires to prevent the demolition or removal thereof must file his petition within forty-eight (48) hours and must, at the time of the filing of the petition, furnish such bond as may be fixed by the district judge to cover any damage that might be caused by the condition of the building.

Either party may appeal from the judgment of the district court as in other cases.

**(Ord. No. 3-2019, 10-14-19)**

**State Law reference**— Similar provisions, R.S. 33:4764.

Sec. 6-74. - Compliance with decision; demolition by city where owner fails to comply; notice.

The owner or his designated agent may proceed to demolish and remove the building, or have it repaired, in accordance with the order of the city, provided the owner or his agent executes a contract in writing obligating himself to have the work done within the required time and files with the mayor through the department of community affairs a copy of the contract, together with a bond to guarantee performance. The owner must also comply with the provisions of section 8-4.1 and section 8-4.2 of the Code of Ordinances.

In the event that the owner or occupant of the building or structure fails or refuses to comply with the decision of the city and fails to appeal therefrom within the legal delays provided herein, then, in that event, the mayor may authorize his designee to proceed with the demolition or removal of the condemned building or structure, in which case neither the mayor, city councilmen, nor the city shall be liable for damages.

Prior to the demolition or removal of the building or structure by the city, the mayor or some official designated by him shall serve notice on the owner, or his agent, and on the occupant of the building, if any there be, or upon the attorney at law appointed to represent the minor, interdict or absentee owner, giving the time when work will begin upon the demolition or removal of the building, and instructing the owner, or his agent and the occupant of the building to remove any movable effects from the premises prior to the commencement of the demolition.

**(Ord. No. 3-2019, 10-14-19)**

**State Law reference**— Similar provisions, R.S. 33:4765.

Sec. 6-75. - Lien and privilege for cost of demolition, removal, and maintenance by the city; interest; attorney fees.

The city shall have a privilege and lien upon an immovable and its improvements for:

- (1) The cost to the city of maintenance of the immovable or improvements; and
- (2) The cost to the city of demolishing or removing, or both, a building or other structure situated upon the immovable or improvements, and all attorney fees incurred by the city in connection with such demolition or removal.

"Maintenance" shall include but not be limited to grass cutting, weed abatement, removal and storage of fixtures and movables, and trash and garbage removal.

The privilege and lien shall be preserved and enforced only after the owner has refused, after notification by the city and reasonable opportunity to be heard, to pay the costs incurred by the city.

The privilege and lien shall be preserved by the filing and recording of an affidavit signed by the mayor in the mortgage office of DeSoto Parish. The affidavit shall include a description of the property sufficient to reasonably identify the immovable and a statement of facts listing the approximate cost or costs incurred by the city.

The privilege and lien shall be enforced by ordinary process in the district court for DeSoto Parish within three (3) years after it is perfected. Alternatively, the privilege and lien may be enforced by assessing the amount of the privilege and lien against the immovable as a tax against the immovable, to be enforced and collected as any ordinary property tax lien to be assessed against the property; such lien and privilege may be collected in the manner fixed for collection of taxes and shall be subject to the same civil penalties for delinquencies. After the city has incurred such costs as constitute the lien and privilege on the property, the mayor or the director of the department of community affairs may send an attested bill of such costs and expenses which constitute the lien and privilege to the finance director or tax collector of the city, who shall add the amount of the bill to the next tax bill of the owner. The lien obtained by the city pursuant to proper notification and filing shall include not only the costs provided for in this article, but shall include all attorney's fees and/or all costs of court incurred in the locating of the owner, the notification of the owner, and the enforcement and collection of the amount secured by the lien against the immovable and the improvements. The City of Mansfield may also recover interest on the amounts secured by the lien, which interest shall be the maximum rate of legal interest provided in Civil Code Article 2924 and shall be computed from the date of recordation of the lien until paid.

The city's privilege and lien shall prime all other liens or privileges against the property filed after the notice to the owner to show cause is filed with the recorder of mortgages pursuant to section 8-71(d), regardless of the date on which the city's lien and privilege is perfected, except that the city's lien and privilege will not prime other tax liens against the property.

The lien shall not be cancelled until after the payment of all amounts, including costs, attorney fees, and interest.

**(Ord. No. 3-2019, 10-14-19)**

**State Law reference**— Similar provisions, R.S. 33:4766.

Sec. 6-76. - Attorney to represent absentee, minor or interdict.

In the event the building or structure is unoccupied and its owner is absent from the state and unrepresented therein, or in the event the building is owned by a minor who has no tutor or an interdict who has no curator, the mayor shall appoint an attorney at law to represent the absentee, minor or interdict upon whom the notices and other proceedings provided in this article may be served. The attorney shall be paid a reasonable fee to be taxed as costs.

**(Ord. No. 3-2019, 10-14-19)**

**State Law reference**— Similar provisions, R.S. 33:4767.

Sec. 6-77. - Buildings to be secured.

Residential or commercial buildings which have code violations but have been determined by the city's building official or his designated representatives to be:

- (1) Structurally unsound; or
- (2) In the need of rehabilitation to correct code violations or secured until violations can be corrected;

shall be secured according to the specifications and regulations set forth in sections 8-78 through 8-85.

**(Ord. No. 3-2019, 10-14-19)**

Sec. 6-78. - Securing specifications.

- (a) It is hereby required that the securing of all exterior openings be accomplished in a neat, workmanlike manner with not less than one-half inch thick (CDX) weather resistant plywood, cut to fit within openings, securely fastened with not less than two-and-one-half-inch wood screws four (4) to six (6) inches on-center or securing plywood with one-half inch by eight-inch round head bolt with washer, through center of plywood with two by four (2×4) backup. The plywood shall also be coated with two (2) coats of exterior paint. Color shall blend with or harmonize with the exterior colors of the building as to be inconspicuous as possible. All bare wood siding, windows, overhang, and trim shall also be coated with exterior paint. In the event the owner wishes to utilize the structure for storage it will be required that a minimum one-and-three-quarter inch solid core door be installed and equipped with passage lock and one-inch deadbolt lock.
- (b) The owner shall also be responsible for treating the structure by a licensed exterminator for insects, rodents and vermin. Treatment of the structure shall be on a six-month basis. A statement verifying that treatment has been completed on the structure will be required to be submitted to the building official or his designated representative.
- (c) It shall be the responsibility of every owner to keep the premises of such residential or commercial property clean and to remove from the premises all abandoned motor vehicles, iceboxes, refrigerators, stoves, glass, building materials, building rubbish or similar items in addition to weeds, dead trees, trash, garbage, etc. and maintain the grass at a level required by city ordinances in order to prevent the building, structure, or property from causing a public nuisance.
- (d) Secured structures must be maintained according to the above specifications until all code violations have been repaired or until the structure has been demolished according to code requirements.

**(Ord. No. 3-2019, 10-14-19)**

Sec. 6-79. - Time limitations for obtaining permit, performing work; permit duration.

- (a) A special permit must be obtained by the property owner within thirty (30) days after the date of the certified letter issued by the building official or his designated representative notifying the property owner, his agent or his representative of the deficiencies of the property.
- (b) All work pertaining to the securing of the structure must be completed according to specifications outlined in section 8-78 within thirty (30) days from issuance of the permit.
- (c) The expiration date of the special permit will be one (1) year after issuance of same. At the end of the one-year period a reevaluation of the structure must be performed to determine if

the building remains structurally sound. The owner may apply to the city council for a renewal of the permit after the expiration of the permit and may be issued for an additional one-year period provided the re-evaluation of the structure shows that it is structurally sound and is not causing a hazard to the safety, welfare, or health of the public.

**(Ord. No. 3-2019, 10-14-19)**

Sec. 6-80. - Permit fees.

The fees for a special permit under section 8-79 shall be fifty dollars (\$50.00) per year.

**(Ord. No. 3-2019, 10-14-19)**

Sec. 6-81. - Inspections.

All buildings will be inspected thirty (30) days after the issuance of the permit to determine if the structure has been secured according to specifications outlined herein. In addition, each secured structure will be reinspected every six (6) months to ensure it remains in compliance with these provisions. At the end of every one-year period a re-evaluation of the building must be performed to determine if the building remains structurally sound.

**(Ord. No. 3-2019, 10-14-19)**

Sec. 6-82. - Notification of noncompliance.

If it is determined at any time upon a follow-up inspection that the building is not being maintained according to specifications, the building official or his designated representative will notify the property owner, his agent, or his representative by certified mail that the structure is not in compliance with sections 8-77 through 8-85, and he will have ten (10) working days from the date of the notice to correct the deficiencies.

**(Ord. No. 3-2019, 10-14-19)**

Sec. 6-83. - Penalty for failure to comply.

- (a) The responsible party, whether owner or agent who fails to timely secure or maintain the structure and premises according to specifications herein shall be punished by a fine not to exceed five hundred dollars (\$500.00) or be imprisoned for not more than sixty (60) days, or both, upon conviction by a court of competent jurisdiction. Each day the violation shall continue shall constitute a separate offense.
- (b) The penalties imposed by paragraph (1) may be imposed on any such property owner after any one of the following:
  - (1) Property owner fails to timely obtain a special permit.
  - (2) Once the permit is obtained the property owner fails to complete the work within the time limits specified.

- (3) Property owner fails to secure the structure according to specifications outlined herein.
- (4) Property owner fails to maintain the property according to specifications for securing structures.

**(Ord. No. 3-2019, 10-14-19)**

Sec. 6-84. - Securing property when owner fails to comply; charges; lien and privilege for cost.

The responsible party, whether owner or agent, who fails to comply with sections 8-77 et seq., shall further be subject to the following:

- (1) The city, at its option, shall secure and maintain the immovable property and its improvements in accordance with specifications set forth above; additionally, the city may provide other maintenance services such as grass cutting, weed abatement, trash and garbage pickup in accordance with Louisiana Revised Statutes 33:4766.
- (2) The city shall charge for the services rendered in subsection (1) the actual cost for the provision of those services plus an administrative fee of one hundred dollars (\$100.00). The cost of such services shall be paid by the land owner and shall be secured by a privilege and lien upon the immovable and its improvements in favor of the city in accordance with La. R. S. 33:4766 and section 8-75 of the Code of Ordinances.

**(Ord. No. 3-2019, 10-14-19)**

Sec. 6-85. - Individual responsibility of owner.

In addition to the lien and privilege upon the immovable property as set forth in section 8-75 and section 8-84, the owner shall be personally liable for all charges incurred by the city for demolition or securing the building or property.

**(Ord. No. 3-2019, 10-14-19)**

**Secs. 3-86—3-89. Reserved.**

Sec. 6-90. – Alternative to demolition; repair by City.

A.

(1) Notwithstanding any other provision of law to the contrary, the city, as an alternative to demolition or removal, may make the repairs necessary to correct the defects in a condemned structure within its jurisdiction.

(2) The city may take such action only after a demolition or removal order has been issued and the delay for a legal appeal has run, or an appeal has been denied, and when in the discretion of the city such action will restore the structure to a state of usefulness to the community.

(3) The decision of the city to repair the structure may be appealed in the same manner as provided in R.S. 33:4764.

B. The costs of repairs made pursuant to Subsection A and a ten percent penalty thereon shall be reimbursed by the owner of the condemned property, and such costs and penalty shall operate as a lien and privilege on the property in favor of the city. Until such time as the costs and penalty have been paid, the city may lease such property and apply all revenue received to the amount owed by the owner and to the necessary maintenance of the structure.

**(Ord. No. 3-2019, 10-14-19)**

**State Law reference**— Similar provisions, R.S. 33:476

Secs. 6-91—6-95. - Reserved.

**ARTICLE V. - MANUFACTURED AND MODULAR STRUCTURES**

Sec. 6-96. - Minimum specifications and requirements.

All off-site manufactured homes, or manufactured housing, including portable or pre-built structures, (not already covered by state law) designed to be used as a dwelling or for occupation or habitation by humans, with or without a permanent foundation, shall be constructed, erected or installed in accordance with the following minimum specifications and requirements, to-wit:

- (1) There shall be one (1) combination electric, with battery back-up smoke detector in each sleeping room, or bedroom. In addition, one (1) combination smoke detector just outside each sleeping area (in the area of the hallway of built in that fashion). If the interior of the structure is without walls between the sleeping area and the living area (efficiency type) then only one (1) smoke detector is required.
- (2) All interior walls and ceiling shall be constructed of five-sixteenths-inch sheetrock. One-half-inch sheetrock shall be used on the interior kitchen wall, hot water heater closet, or room, and around the heating unit or system.

- (3) All structures shall have at least two (2) doorway exits as remote as possible from each other. All doorways shall be the proper size for ingress and egress, according to adopted National Fire Protection Association Life Safety Code 101.

Example a: If the front door is in the middle of the structure, the rear door shall be to one (1) corner of the building in the rear of the structure.

Example b: A doorway may be constructed in each end of the structure if desired.

Example c: One doorway may be built into the side and one doorway on an end of the structure.

- (4) All sleeping rooms (bedrooms) shall have a least one (1) operating window (window that can easily be opened) with a clear opening of at least twenty-four inches by twenty-four inches (24" in height and 24" in width).
- (5) These structures shall have all of the above requirements built into them upon delivery and set up within the city limits. All structures shall be inspected for the above requirements before utilities are connected. Utilities shall not be connected until these requirements are in place.

**(Ord. No. 3-2019, 10-14-19)**

**State Law reference**— Similar provisions, R.S. 33:476

Sec. 6-97. - Application of article.

The off-site manufactured homes, or manufactured housing, including portable or pre-built modular structures, referred to in this article, shall be limited to those structures which are not included in the definitions of "mobile home", "manufactured home", and "manufactured housing" as set forth in LA R.S. 51:911.22 (6), [which] are not already regulated by state or federal law.

**(Ord. No. 3-2019, 10-14-19)**

**State Law reference**— Similar provisions, R.S. 33:476Sec. 6-98. - Penalty for violation.

- (a) No manufacturer, dealer, salesman or other person, within or without this city, shall sell or offer for sale or rent within the city any off site, manufactured housing unit, including a portable or pre-built structure, (as defined herein) which does not meet the minimum standards set forth in section 8-97 above, and anyone found guilty of violating this article shall be liable to the city for a civil penalty not in excess of one thousand dollars (\$1,000.00) for each violation.
- (b) Any individual, or director, officer, or agent of a corporation who knowingly and willingly violates this article in a manner which threatens the health and safety of any purchaser, tenant or occupant shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than six (6) months, or both, for each violation.

**(Ord. No. 3-2019, 10-14-19)**

**State Law reference**— Similar provisions, R.S. 33:476

Sec. 6-99. - Scope of article.

This article is intended to cover only those structures designed to be used as a dwelling or classroom which are actually occupied or inhabited by humans, and which are not already covered by the safety requirements set forth under state and federal law, including but not limited to the Uniform Standards Code for Mobile Homes and Manufactured Housing (LA. R.S. 51:911.21 et seq.) and the National Mobile Home Construction and Safety Standards Act (42 USC 5401 et. seq.) and any state or federal regulations promulgated pursuant thereto. It is the intention of this article to cover those structures which are not otherwise regulated by state law.

**(Ord. No. 3-2019, 10-14-19)**

**State Law reference**— Similar provisions, R.S. 33:476 Secs. 6-100—6-130. – Reserved

UPON MOTION OF Alderman Joseph Hall, Jr. and SECONDED by Alderman Mitchell L. Lewis, the above and foregoing ordinance was adopted on this the 14th day of October 2019, with the vote as follows:

Yeas:   4   (M. Green, C. Thomas, M. Lewis, J. Hall, Jr.)  
Nays:   0    
Absent:   1   (K. Campbell)  
Abstain:   0  

Item C: A public hearing was conducted to hear and discuss any comments related to the adoption of proposed **Ordinance No. 4 of 2019** drafted to amend Chapter 10 of the Mansfield Code of Ordinances titled, ***“Health and Sanitation.”*** When no comments were voiced concerning this Ordinance or its proposed adoption, the public hearing was then subsequently closed.

Item D: It was MOTIONED by **MITCHELL L. LEWIS** and SECONDED by **JOSEPH HALL, JR.** to approve adoption of **Ordinance No. 4 of 2019** drafted to amend Chapter 10 of the Mansfield Code of Ordinances titled, ***“Health and Sanitation.”*** Motion Passed Unanimously. (Full Ordinance recited below):

**CITY of MANSFIELD**  
**ORDINANCE NO.   4   of 2019**

AN ORDINANCE AMENDING CHAPTER 10 TITLED, ***“HEALTH AND SANITATION,”***  
OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, STATE OF  
LOUISIANA, AND TO PROVIDE FOR ALL OTHER RELATED MATTERS

BE IT ORDAINED, by the Mayor and Board of Aldermen of the City of Mansfield, Louisiana, in *regular* session convened, that Chapter 10 of the Code of Ordinances of the City of Mansfield, Louisiana, is hereby enacted to read as follows:

All previous Sections of Chapter 10 contained in the City's Code of Ordinances are hereby repealed by the adoption of this Ordinance.

## **ARTICLE I. IN GENERAL**

### **Sec. 10-1. State sanitary code adopted.**

In order to protect and promote the health and sanitation of the city, there is hereby adopted that certain code known as the "Sanitary Code, State of Louisiana," prepared and promulgated by the state health officer and the secretary of the department of health and human resources, as amended from time to time. The provisions of such code shall be considered as in addition and supplementary to the provisions of this Code of Ordinances and other ordinances relating to health and sanitation. The violation or failure to comply with any provision of such sanitary code shall be punished as provided in section 1-9.

**(Code 1964, 10-11)**

### **Sec. 10-2—10-25. Reserved.**

## **ARTICLE II. GARBAGE, TRASH AND WEEDS**

### **DIVISION 1. GENERALLY**

### **Sec. 10-26. Definition.**

For the purposes of this article, the words, "commercial garbage collection," means the collection of garbage by the city from the property of any person or legal entity more than one (1) time each week. For the purposes of this article, the words, "non-commercial collection" means the collection of garbage by the city from the property of any person or legal entity once per week.

**(Ord. No. 7-1980, 1, 12-8-80; Ord. No. 9-200, 10-23-06)**

### **Sec. 10-27. Commercial system – Created.**

A commercial garbage system is hereby created to provide garbage pickup five (5) times each week, being once on Monday, Tuesday, Wednesday, Thursday, and Friday.

**(Ord. No. 7-1980, 2, 12-8-80; Ord. No. 11-2014, 2, 12-8-14)**

**Sec. 10-28 Same—Rates to be charged.**

Any person who requests the city for commercial garbage collection from their property shall be charged by the city in accordance with the amount of time consumed by the garbage collectors at the property for the garbage pickup, in the amounts as follows:

1—5	minutes	\$ 48.00
6—10	minutes	72.00
11—15	minutes	96.00
16—20	minutes	120.00
21—30	minutes	144.00

Any excess funds collected may be applied to any lawful corporate purpose.

**(Ord. No. 7-1980, 3, 12-8-80; Ord. No. 11-2004, 3, 12-8-14)**

**Sec. 10-29. Same—Billing.**

(a) *Due date*, All garbage collection bills shall be paid on or before the fifteen of the month in which it is rendered. Any bill not paid on or before this date shall be considered delinquent, and a penalty of two dollars (\$2.00) shall be assessed to the delinquent customer.

(b) *Delinquent bills*. Any delinquent garbage bill not paid prior to the end of the month in which it is rendered shall be added to the customer's next month's bill. If both the delinquent garbage bill and current bill are not paid prior to the tenth of the month which both are rendered, the delinquent customers garbage service shall be discontinued.

**(Ord. No. 7-1980, 4, 12-8-80; Ord. No. 11-2014, 4, 12-8-14)**

**Sec. 10—30. Definition of “private garbage collection.”**

For the purpose of this article, the words “private garbage collection” means the collection of garbage by the city one (1) time per week at receptacles placed in the carport or near the front door of dwellings or houses occupied by persons who are handicapped such that the moving of garbage from the house to the street is either difficult or impossible, as evidenced by a letter, statement, or certificate from a licensed physician.

**(Ord. No. 1-2005, 1, 4-11-05)**

**Sec. 10-31. Rates to be charged for “private garbage collection.”**

Any person who requests the city for private garbage collection from their property shall be charged the amount of fifteen dollars (\$15.00) dollars per month.

**(Ord. No. 1-+2005, 1, 4-11-05)**

**Sec. 10-32. Bill for “private garbage collection.”**

(a) *Due Date.* All garbage collection bills shall be paid on or before the fifteenth day of the month

in which it is rendered, together with the water and sewer bill. Any bill not paid on or before this date shall be considered delinquent and a penalty of two dollars (\$2.00) shall be assessed to the delinquent customer.

(b) *Delinquent bills.* Any delinquent garbage bill not paid prior to the end of the month in which it

is rendered shall be added to the customer’s next month bill. If both delinquent garbage bill and current garbage bill, together with the sewer and water bills, are not paid prior to the tenth of the month in which both are rendered, the delinquent customer’s garbage service shall be discontinued.

**(Ord. No. 1-2005, 1, 4-11-05)**

**Sec. 10-33. Rates to be charged for “non-commercial collection.”**

(a) Inside city limit rates: There is hereby levied a service charge in the amount of ten dollars

(\$10.00) to defray the expense of collection and disposal of all non-commercial collection inside the city limits, to be assessed and collected promptly. Any excess funds collected may be applied to any lawful corporate purposes.

(b) Outside city limit rates: There is hereby levied a service charge in the amount of ten dollars

(\$10.00) to defray the expense of collection and disposal of all non-commercial collection from areas located outside the city limits, to be assessed and collected promptly. Any excess funds collected may be applied to any lawful corporate purposes.

**(Ord. No. 9-2006, 10-23-06; Ord. No. 11-2014, 1, 12-8-14; Ord. No. 4-2015, 1, 3-9-15)**

**Sec. 10-34. Bill for “non-commercial collection.”**

(a) *Due date.* All garbage collection bills shall be paid on or before the fifteenth day of the month

in which it is rendered, together with the water and sewer bill. Any bill not paid on or before this date shall be considered delinquent and a penalty of two dollars (\$2.00) shall be assessed to the delinquent customer.

(b) *Delinquent bills.* Any delinquent garbage bill not paid prior to the end of the month in which it

is rendered shall be added to the customer's next month bill. If both delinquent garbage bill and the current garbage bill, together with the sewer and water bills, are not paid prior to the tenth of the month in which both are rendered, the delinquent customer's garbage service shall be discontinued.

**(Ord. No. 9-2006, 10-23-06)**

**Sec. 10-35.—10-45. Reserved.**

## DIVISION 2. LITTER

### **Sec. 10-46. Definition**

For the purpose of this division, the word "litter" shall mean garbage, refuse, and rubbish, and all other waste material.

**(Ord. No. 5-1982, 1, 4-26-82)**

### **Sec. 10-47. General prohibition.**

No person shall throw or deposit litter in or upon any street, sidewalk or other public place except in public receptacles, or in authorized receptacles for collection.

**(Ord. No. 5-1982, 2, 4-26-82)**

### **Sec. 10-48. Deposit in receptacles.**

Persons placing litter in public receptacles or in authorized private receptacles shall do so in a manner as to prevent it from being carried or deposited by the elements or animals upon any street, sidewalk or other public place or upon private property.

**(Ord. No. 5-1982, 3, 4-26-82)**

### **Sec. 10-49. Sweeping into public ways; maintenance or sidewalks—Generally.**

No person shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any private or public sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.

**(Ord. No. 5-1982, 4, 4-26-82)**

### **Sec. 10-50. Same—Business premises.**

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business shall

keep all premises, including sidewalk, service alleys and parking area of their businesses, free of litter.

**(Ord. No. 5-1982, 5, 4-26-82)**

**Sec. 10-51 Duty of business owners re deposits in receptacles.**

No person owning or occupying a place of business shall place litter into any receptacles in a manner as to prevent it from being carried or deposited by the elements or animals upon any street, sidewalk or other public place or upon private property.

**(Ord. No. 5-1982, 6, 4-26-82)**

**Secs. 10-52—10-69. Reserved.**

**DIVISION 3. WEEDS AND NOXIOUS GROWTHS AND TRASH AND GARBAGE  
REMOVAL\***

**Sec. 10-70. Definitions.**

The following words, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- (a) Lot shall include any lot, tract or parcel of land located within the corporate limits of this city and shall also include the sidewalk which adjoins such lot or is a part of such lot.
- (b) Weeds shall include any and all rank vegetable growth which exhales unpleasant or obnoxious odors and also any and all high and rank vegetable growth which may be unsightly, or may conceal filth deposits, garbage or trash, or may serve as breeding, hiding or resting places for reptiles, rodents, insects or other vermin

**Sec. 10-71. Duty to abate.**

- (a) Every owner of real estate in the City of Mansfield is required to maintain his property and/or lot, including sidewalks abutting same, in a sanitary condition, including grass cutting, weed abatement, and trash and garbage removal.
- (b) No owner, tenant or occupant of any leased, occupied or unoccupied lot, place, property or area shall permit any noxious weeds, grass, or deleterious, unhealthy or noxious growths over twelve (12) inches in height to grow, stand or accumulate on a majority of any lot, place or area leased or occupied by the person, or on any abutting sidewalk; not shall such person allow a lot, place or area of any abutting sidewalk to become a haven for rodents or other dangerous animals.

**(Ord. No. 4-1999, 1, 10-11-99; Ord. No. 6-2013, 8-26-13)**

**Sec. 10-72. Notice to abate.**

The chief clerk or his/her authorized representative is hereby authorized and empowered to notify, in writing, the owner of any such lot, place or area to cut, destroy or remove any such trash, garbage, grass, weeds, or deleterious, unhealthy or noxious growths or accumulations found growing or located on such owner's property, or upon the sidewalk abutting same; providing that such written notice shall be by registered mail, to the owner of the lot, place or area of the property where the weeds, growths, trash and garbage are to be removed or abutting the sidewalks where said weeds or growths are to be removed, as shown on the last assessment roll of the municipality; which notice shall afford the owner, lessee, or tenant of the lot, place or area to do the work himself within at least ten (10) days after notice has been given to him by advertisement in the official journal of the municipality for two (2) consecutive days or weeks or after notice has been given him by registered mail, addressed in accordance with the tax rolls of the municipality.

**(Ord. No. 4-1999, 1, 10-11-99)**

**Sec. 10-73. Failure to comply with notice; abatement at cost of city.**

Upon the failure, neglect or refusal of any such owner, to cut, destroy, or remove such trash and garbage, or grass, weeds, or deleterious, or unhealthy growths, growing or located upon such owner's property, or upon the sidewalk abutting same, within ten (10) days after receipt of the written notice, or within ten (10) days after notice has been given by advertisement in the official journal of the municipality for two (2) consecutive days or weeks, the city shall pay for the cutting destroying, and/or removal of such trash, garbage, grass, weeds, or deleterious unhealthful growths.

**(Ord. No. 4-1999, 1, 10-11-99)**

**Sec. 10-74. Collection costs of abatement from owner.**

Whosoever shall violate the provisions of this division shall be guilty of a misdemeanor and shall be subject to a fine of up to one hundred fifty dollars (\$150.00) and/or thirty (30) days imprisonment.

**(Ord. No. 4-1999, 1, 10-11-99)**

**Sec. 10-75. Right to request hearing.**

Any owner who received receipt of notice pursuant to section 10-72 shall have the right to request a hearing before the mayor and board of aldermen, which right must be exercised by the owner sending to the city via registered mail a request for a hearing within five (5) days of receiving the notice from the city set forth in section 10-72. The hearing shall be fixed at the next regular meeting of the mayor and board of alderman.

**(Ord. No. 4-1999, 1, 10-11-99)**

**Sec. 10-76. Lien against property for unpaid fine.**

Upon failure of the property owner to pay any fine levied as provided by the ordinance or any cost incurred by the city, the city may file a certified copy of the order levying the fine or a copy of the invoices reflecting the amount of such costs, together with such other costs as set forth in section 10-77, with the clerk of court and when so filed and recorded, shall operate as lien privileges in favor of the city against the property.

**(Ord. No. 4-1999, 1, 10-11-99)**

**Sec. 10-77. Conditions of lien.**

Any costs incurred by the city and assessed to the owner of the property, together with all reasonable attorney fees and all costs incurred in the location of the owner, notification of the owner, and the enforcement and collection of the amount secured by the lien shall bear interest at the rate of legal interest as provided in R.S. 9:3500 and shall be computed from the date of recordation of the lien until paid or enforced.

**(Ord. No. 4-1999, 1, 10-11-99; Ord. No. 6-2013, 1, 8-26-13)**

**Sec. 10-78. Addition of fines or costs to ad valorem tax bill.**

After the city has levied such fine or fines or incurred such costs as constitute the lien and privilege on the property, the city clerk may add said amounts to the next ad valorem tax bill of the owner, and said amount shall be subject to the same interest and penalties as delinquent in ad valorem taxes.

**(Ord. No. 4-1999, 1, 10-11-99)**

**Sec. 10-79. Sale of property upon failure to pay lien and interest thereon.**

If within six (6) months after the filing of the lien provided for in this ordinance, the property owner fails to pay such lien and any interest thereon, the city clerk may offer for sale and subsequently sell or otherwise convey said property. The procedure for notice, advertisement, and sale of the property shall be governed by the law applicable to the sale of real property for delinquent municipal or parish taxes except that the property owner's right of redemption shall be limited to six (6) months from the time the property is sold. Redemption by the original owners shall require reimbursement of any expenses incurred by the purchaser in the purchase and renovation of the property in addition to payment of liens placed on the property pursuant to this section, interest thereon, and any amounts required by law applicable to the redemption of property sold for delinquent taxes. Alternatively, the privilege and lien may be enforced in the district court pursuant to the Code of Civil Procedure and may be enforced either against the subject property or against the owner personally by ordinary process and subsequent seizure and sale or garnishment of other moveable or immovable property of the owner pursuant to the Code of Civil Procedure.

(Ord. No. 4-1999, 1, 10-11-99)

**Sec. 10-80. Cancellation of lien to facilitate sale of property.**

The amount of any city lien operating against the property and any interest accruing thereon may be canceled in whole or in part by the governing authority of the municipality in order to facilitate the sale or disposition of the property for the unpaid lien.

(Ord. No. 4-1999, 1, 10-11-99)

UPON MOTION OF Alderman Mitchell L. Lewis and SECONDED by Alderman Christopher S. Thomas the above and foregoing ordinance was adopted on this the 14th day of October 2019, with the vote as follows:

Yeas:   4   (M. Green, C. Thomas, M. Lewis, J. Hall, Jr.)  
Nays:   0    
Absent:   1   (K. Campbell)  
Abstain:   0  

Item E: No other old business discussed.

**New Business:**

Item A: The agenda was amended following the Public Comments Period to allow Mr. **James Hagan, Jr.** of **BALAR Associates, Inc.** to offer his presentation.

Item B: No other new business discussed.

**Comments from Mayor Mayweather and/or Council Members:** None offered.

With no further business to discuss, this meeting was declared adjourned at **5:48 p.m.** by MOTION from **MARY J. GREEN** and was SECONDED by **JOSEPH HALL, JR.** Motion Passed Unanimously.

**John H. Mayweather, Sr.,** *Mayor*  
**Marvin R. Jackson,** *Clerk*