

ORDINANCE 2024-19

LANDLORD/OWNER RESPONSIBILITY for REMOVAL/DISPOSAL of DEBRIS and WASTE when TENANT MOVES, ABANDONS and/or is EVICTED from RENTAL HOUSE, APARTMENT COMPLEX/UNIT and LEASE/RENTAL COMMERCIAL PROPERTY and to Provide for Other Matters regarding to the same

BE IT ORDAINED BY THE MAYOR AND COUNCIL of the City of Baker, Parish of East Baton Rouge, Louisiana, in regular session assembled, a proper quorum being there and then assembled on the 8th day of October 2024, as follows, to-wit:

Regarding the responsibility for the removal of debris and waste left behind by tenants of rental properties in the City of Baker upon Tenants moving, abandonment and/or eviction, this Ordinance is herein and hereby Enacted as follows:

SECTION 1:

Definitions:

- (a) Tenant Waste shall mean any and all materials and/or debris of whatever kind, removed from a rented house, multi-family unit, apartment unit and/or leased commercial or business property space, and left behind when tenant moves, abandons or is evicted from the respective leased/rented property.**
- (b) Tenant Waste Exclusion shall mean typical garbage/trash/recycle services provided by the City of Baker provided that such materials are maintained in garbage or recycling bins.**

SECTION 2:

LANDLORD and/or OWNER RESPONSIBILITY

Within the City of Baker, it shall be the responsibility of the Landlord and/or Owner of any house, apartment or business space property that is rented and/or leased to a Tenant, to cleanup, remove and/or take Tenant Waste away from the respective location/address and have the same properly discarded outside of the City limits of Baker.

It shall be unlawful to allow Tenant Waste to remain on-site for more than 15 days after Notice of Violation has been served by a City of Baker Code Enforcement Officer or City of Baker Marshal.

SECTION 3:

PENALTIES

Any Landlord and/or Owner who violates this Ordinance shall pay a fine of Two Hundred Fifty Dollars (\$250.00) for a first violation; and a penalty of Five Hundred Dollars (\$500.00) for each separate subsequent violation.

Failure to pay penalties/fines within the allotted time described in the violation notice will ultimately result in a Lien being filed and recorded with the East Baton Rouge Parish Tax Assessor's Office, in favor of the City of Baker for collection of the said penalty/fine plus filing and recordation costs.

SECTION 4:

All Ordinances and parts of Ordinances in conflict herewith and the same are hereby Repealed.

All Ordinances not in conflict herewith and not affected by the amendment hereinabove set forth are hereby maintained in full force and effect as if re-enacted herein.

The Repeal of an Ordinance shall not affect any punishment or penalty incurred before the

repeal took effect, or any suit, prosecution or proceedings pending at the time of the repeal, for an offense committed under the ordinance repealed.

SECTION 5: SEVERABILITY

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by any Court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrases, clauses, sentence, paragraph or section. If the provisions of this ordinance, or the application thereof to any person, fact, situation or circumstance are held invalid, the remainder of this ordinance and the application of such provisions to the other persons, facts, situations or circumstances, shall not be affected thereby.

SECTION 6: INVALIDATION

If any provision of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provisions or applications and, to that end, any and all provisions of this ordinance and applications thereof are declared to be severable.

This Ordinance, having been submitted to a vote, the vote thereon was as follows:

YEAS: Collins, Dunn, Murphy, Vincent, Young
NAYS: None
ABSENT: None
ABSTAIN: None

And the Ordinance was presented September 24, 2024, at the regular meeting of the Baker City Council held at the City Hall Building in Baker, Louisiana.

And the Ordinance was declared adopted on this, the 8th day of October 2024 at the regular meeting of the Baker City Council held at the Baker City Hall Building in Baker, Louisiana.

ATTEST:

/s/Angela Canady Wall, LCMC, Clerk of Council

/s/Darnell Waites, Mayor