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Deferred CCRs 9-23-23

Recommended Changes

~~MINERAL OPERATIONS~~

- ~~• No oil or gas drilling, mining development operations, production or treatment facilities, and refining, quarrying or mining operations of any kind shall be permitted upon or in any lot, nor shall oil wells, tanks, tunnels, mineral excavations, or shafts be permitted upon or in any lot. No derrick or other structure designated for the use in boring for oil or natural gas or other minerals shall be erected, maintained, or permitted upon any lots, even temporary.~~

More suitable for active sales in new developments versus existing developed subdivisions

POOLS

- Property owners are responsible for the maintenance of any pool (cleanliness, mosquito control, etc.) on their property per EBR guidelines. Failure of a property owner to maintain the pool will reported to the City for resolution.

Knowing EBR Laws

Sec. 12:406. - Maintenance of swimming pools

Every owner of a swimming pool, located in the parish shall maintain the pool in such a manner that:

- The pool shall not harbor or become infested with reptiles, mosquitoes, vermin or other pests;
- The pool shall not harbor or support submergent or emergent vegetation; and
- The pool shall not collect scum, film or debris to such an extent that the water is not clear enough to permit a black disk six (6) inches in diameter on a white field, when placed on the bottom of the pool at the deepest point, to be clearly visible from the deck around the pool at all distances up to ten (10) yards measured from a line drawn across the pool through said disk.

Every owner of a swimming pool, with a depth greater than eighteen (18) inches, shall keep the pool completely enclosed with fences or walls not less than five (5) feet in height with no openings greater than four (4) inches, and composed of rigid, sturdy material.

Every pool owner shall equip gate or door openings to the pool with self-closing and self-latching devices capable of keeping such gate or door securely closed at all times. Every swimming pool owner shall keep said fences, gates, and doors in a state of repair. All gates and doors shall be securely closed at all times. No waiver of this section shall be accepted as compliance.

Proposed CCRs for Discussion

NOISE, UNLAWFUL, NOXIOUS OR OFFENSIVE ACTIVITY

Covered by EBR Sec 12:100

- ~~• No unlawful, noxious or offensive activity shall be carried on upon any lot, nor shall anything be done on any lot which is or may become an annoyance or nuisance to the neighborhood.~~
- ~~• Construction is allowed in Southern Heights only on Monday through Saturday between the hours of 7:30 am and 6 pm. No construction is allowed on Sundays.~~
- Loud noises are prohibited after 8 pm on weekdays and 10 pm on weekends.

Knowing EBR Laws

Sec. 12:100. - Noises interfering with enjoyment of property or public peace and comfort.

No person shall make or cause to be made any loud and raucous noise in the parish which is offensive to persons of ordinary sensibilities and which renders the enjoyment of life or property uncomfortable or interferes with public peace and comfort. The following acts, among others, are declared to create loud and raucous noises and shall be deemed a violation of this chapter, but such enumeration shall not be deemed to be exclusive:

1. The use of any abusive, indecent, profane, or vulgar language in a public place, when the language by its very utterance tends to incite an immediate breach of the peace.
2. The playing of any radio, phonograph, tape, compact disc, musical instrument or any other machine or device capable of producing or reproducing sound, from a stationary location in such a manner, or with such volume as to disturb the peace, quiet, comfort, or repose of persons in any dwelling, apartment, hotel, or other type of residence or in any public place.
3. The playing of any radio, phonograph, tape, compact disc, musical instrument or any other machine or device capable of producing or reproducing sound, audible at a distance of greater than twenty-five (25) feet which exceeds eighty-five (85) decibels, from a vehicle, on a public street, highway or public park in such a manner, as to disturb the peace, quiet, comfort, or repose of persons in any dwelling, apartment, hotel, or other type of residence; of persons in any other vehicle; or of persons in any public place.
4. The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar, or other vehicle, except as a danger signal, as required by state law.
5. The use of any automobile, motorcycle, bus, streetcar, bus, or vehicle so out of repair or so loaded, which emits or creates loud grating, grinding, or rattling noise
6. The discharge into the open air of the exhaust from any motor vehicle except through a muffler, or other device, which will effectively and efficiently prevent loud and raucous noises.
7. The creation of loud and raucous noise by construction work in or adjacent to a residential area other than between the hours of 7:00 a.m. and sunset on weekdays and Saturdays, except in the case of urgent necessity in the interest of public safety for which permission must be obtained from the director of public works. Construction work includes, but is not limited to, the erection, excavation, demolition, alteration, or repair of any building.
8. The creation of loud and raucous noise on any street adjacent to any school or court which is in session or adjacent to any hospital; provided, that conspicuous signs are located in such streets indicating that schools, hospitals, and courts are adjacent thereto.
9. The shouting and crying of peddlers, hawkers and vendors which disturbs the quiet and peace of residentially zoned areas.

Proposed CCRs for Discussion

SIGNS

- No sign of any kind shall be displayed to the public view on any lot in in the street of the subdivision, except as follows:
 - Home security system and/or monitoring agency signage;
 - Political signage is allowed to be erected and displayed in public view for no longer than two (2) weeks after the political campaign has ended or votes have been cast in the election.
 - Commercial or advertising signage is allowed to be erected and displayed in public view for a time period defined as “during the time said commercial entity is performing work at the residence, and no longer than two (2) weeks after said commercial entity has completed their work at the residence.

Proposed CCRs for Discussion

SIGNS (CONT'D)

- No sign of any kind shall be displayed to the public view on any lot in in the street of the subdivision, except as follows:
 - Signage displayed for non-commercial purposes, birthdays, schools, and birth announcements are acceptable provided they adhere to the size requirement defined in this article.
 - Garage sale signage of no more than five (5) square feet shall be permitted only on the day of the sale.
 - One (1) sign of no more than five (5) square feet advertising that particular property for sale or rent or customary signs used by a builder or real estate broker to advertise the property during the construction or sales period. Corner lots are allowed two (2) signs, in which one sign may be placed in the front yard and the other in the side yard of same lot.

No signage should be distracting because of its colors, appearance, shape, or lighting to the extent that it detracts from the beauty and harmony of the neighborhood appearance.

Proposed CCRs for Discussion

SIDEWALKS

- No public sidewalks running parallel to the street have been or may be built in order to increase privacy and enhance the esthetic quality sought by the subdivision.

GARAGE APARTMENTS

- No garage apartment shall be erected or maintained on any lot.

FENCES

- No fences, walls or hedges shall be erected between the front sill line of any residence and the front lot line. No fence to be constructed along the boundary line of any lot shall exceed six (6) feet in height for wood, wrought iron, brick, composite, vinyl or combination thereof. No fence shall exceed four (4) feet in height for chain link fences.
- No fence, wall or gate that restricts entry to property shall be erected, placed, or altered on any lot closer to any street than the location of the front of the house or the wall facing the street. Chain link fencing may not be erected closer to the street than the walls of the house that face said street(s).

Proposed CCRs for Discussion

VEHICLE REPAIR

- No automobiles, motorcycles or any vehicles may be repaired outside of a home's carport or garage.

PARKING AND USE OF TRAILERS

- No boats, recreational vehicles, motorcycles, school buses, campers, or trailers of any kind may be kept, stored, repaired, or maintained on any street or on any lot nearer to the street than the minimum building setback line.
- In no event shall the same be kept stored, repaired, or maintained in any manner which would detract from the appearance of both the individual lot and subdivision.

Proposed CCRs for Discussion

RENTAL PROPERTY

- Owners must live in purchased property for a period of two (2) years before the property can be listed/converted for rental purposes.
- Owners who rent property must have a minimum lease period of six (6) months. Short term rentals are prohibited.
- Owners must provide the Association with the name and contact information of lessors prior to the signing of a lease.
- Only 20% of SFHs within Southern Heights may be utilized as rental residences.
 - Owners renting SFHs as of the effective date of this covenant are allowed to continue renting as long as they hold title to the property. This clause expires upon transfer of title.

Proposed CCRs for Discussion

RENTAL PROPERTY

- Owners who rent property (SFH, duplex and/or apartment) within Southern Heights are subject to the following provisions:
 - Owners are required to provide their tenants with the SHPOA governing documents and rules as a condition of renting. The rental lease agreement must include the following:
 - “Tenant has received copies of, read, and understood, and will comply with the HOA’s rules and regulations”.
 - A tenant’s breach of the SHPOA governing documents as well as federal, state or EBR laws may be considered a breach of the owner’s rental agreement.
 - Owners are required to take corrective action against a tenant, up to and including eviction, in case of a violation.
 - Owners are subject to fines and legal actions for violations by their tenants.

Proposed CCRs for Discussion

LIVESTOCK AND ANIMALS

- No livestock, animals or poultry of any kind shall be raised, bred or kept on any lot, except that dogs, cats or other ordinary household pets, excluding reptiles, may be kept, provided they are not kept, bred, or maintained for any commercial purpose or in such numbers or conditions as may be offensive to other property owner in the subdivisions and further provided that they are kept, bred or maintained otherwise in accordance with the law.
- ~~No person shall allow animal feces to accumulate in any yard, pen or premises in or upon which an animal shall be confined or kept so that it becomes offensive to those residing in the vicinity or a health hazard to the residing animal.~~
- No person shall not allow animal feces to accumulate on their property.
- No person shall fail to immediately remove feces deposited by the person's dog upon the premises of any person other than the owner without that person's consent.

Proposed CCRs for Discussion

LIVESTOCK AND ANIMALS (CONTINUED)

- No person shall permit their dog at any time to run uncontrolled; be off leash, except in accordance with applicable law or regulation(s); molest persons or vehicles by chasing, barking or biting; attack other animals; damage property other than the owner's. Violations will be reported to EBR Animal Control.

Knowing EBR Laws - Animals

Section 14

Excessive barking: Animal noises of such a loudness, intensity and duration as to prevent or interfere with a person's ability to enjoy his property, including, but not limited to, situations where:

- On more than one (1) occasion has awakened the complainant up from sleep; or
- Continues in such a manner so as to cause mental anguish or suffering, loss of sleep, or a disturbance of the peace.

Excessive noise making: Animal noises of such a loudness, intensity and duration as to prevent or interfere with a persons ability to enjoy their property, including, but not limited to, situations where:

- On more than one (1) occasion has awakened the complainant up from sleep; or
- Continues in such a manner so as to disturb the comfort or repose of persons, dwelling in the vicinity of where the animal or bird is kept.

Knowing EBR Laws - Animals

Section 14

Excessive odor: Odor of such intensity and duration as to prevent or interfere with a person's ability to enjoy his property, including, but not limited to, situations where the odor continues in such a manner as to cause mental anguish and suffering or such as to disturb the comfort or repose of persons dwelling in the vicinity of where the animal or bird is kept.

Nuisance: Damaging, soiling, defiling or defecating on property other than its owner's, or on public sidewalks, excessive noise making, excessive odor, excessive barking, molesting, threatening, attacking or interfering with persons on public or private property, chasing automobiles or other means of conveyance, attacking other animals and disturbing or turning over garbage containers or running at large or interfering with another person's enjoyment of his property is hereby declared a nuisance. However, no community cat shall be declared a nuisance for running at large.

Private kennel: Any person who maintains within or adjoining his residence a kennel housing more than twelve (12) dogs or cats over four (4) months of age, such animals to be for that person's recreational use or for exhibition in conformation shows or, field or obedience trials, and where the sale of offspring is not the primary function of the kennel.

Knowing EBR Laws - Animals

Sec. 14:224. - Chickens, other fowls, and birds.

- (a) The keeping of more than three (3) chickens within a recognized residential subdivision on a lot of less than one (1) acre is prohibited.
- (b) The keeping of roosters, geese, guinea fowl, ducks, turkeys, or peacocks is similarly prohibited in recognized residential subdivisions on lots of two (2) acres or less.
- (c) (1) Any chicken or other fowl or avian kept in a residential subdivision shall be maintained as follows.
 - a. All chickens, or other fowl, or avians shall be confined to the owner's property at all times.
 - b. Pens, coops, flight cages, or other enclosures shall be located a minimum of ten (10) feet from the nearest property line and minimum of fifty (50) feet from any residence other than that of the owner.
 - c. All enclosures shall be cleaned regularly to prevent an accumulation of food, fecal matter, or nesting material from creating a nuisance or unsanitary condition due to odor, vermin, debris, or decay.
 - d. Appropriate food, water, shelter and housing shall be provided to meet the requirements of the particular fowl or avian in question.
- (2) No fowl or bird shall cause a nuisance. Owners of fowl or birds will be held responsible and liable for any damages they cause in the parish.