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State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
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OPINION 15-0153

The Honorable Jennifer A. Jones
District Attorney
38th Judicial District
Post Office Box 280
Cameron, Louisiana 70631

57 JUSTICES OF THE PEACE & CONSTABLES

La. R.S. 13:2586

The Cameron Parish Police Jury may not convey jurisdiction over violations of overgrown grass and obnoxious weeds to justice of the peace court via parish ordinance. Only the legislature may set forth the jurisdiction of a justice of the peace court.

Dear Ms. Jones:

You have requested an opinion of the Attorney General wherein you ask whether the Cameron Parish Police Jury ("Police Jury") may enact ordinances granting jurisdiction to justice of the peace courts to enforce and proceed over violations of property standard violations. Your request has been assigned to me for reply.

La. R.S. 13:1236(21) allows the Police Jury to pass ordinances to compel owners to cut grass and obnoxious weeds on their property. In accordance with this statute, the Police Jury would like to adopt ordinances requiring property owners to keep their property free of grass and weeds above a certain height. Additionally, they wish to delegate the enforcement of such ordinances to justice of the peace courts.

Justice of the peace courts are courts of limited jurisdiction, and their jurisdiction must be specifically conferred upon them by the legislature. Justice of the peace courts have concurrent jurisdiction with district court in civil cases where the amount in dispute does not exceed five thousand dollars.¹ However, jurisdiction is also limited by the nature of the proceeding. For example, La. C.C.P. art. 4913 states that justice of the peace courts cannot hear cases involving title to immovable property; cases in which the plaintiff asserts civil or political rights under the federal or state constitutions; or cases where the state, parish, or municipality is a defendant. La. R.S. 13:2586 also establishes the jurisdiction of justice of the peace courts and provides, in pertinent part, as follows:

- A. Justices of the peace shall have concurrent jurisdiction with the district courts in all civil matters as set forth in Articles 4911 through 4913 of the Code of Civil Procedure.
- B. They shall have no jurisdiction in succession or probate matters, or when a succession is a defendant, or when the state, parish, or

¹ La. C.C.P. art. 4911(A).

municipality, or other political corporation, is a party defendant, or when the title to real estate is involved.

(C)(2) A justice of the peace shall have concurrent jurisdiction over the litter violations occurring anywhere in the parish in which the court is situated, which are prohibited by R.S. 30:2531(B) or any ordinance of a parish governing body providing for litter abatement or control that provides that the trial for the violation of any such ordinance may be in a justice of the peace court. In addition, a constable may issue summons and serve subpoenas for such violations occurring anywhere in the parish in which his court is situated. However, the penalty that may be imposed by a justice of the peace in connection with a litter violation prohibited by R.S. 30:2531(B) shall be limited to the range of fines allowed by that Subsection.

(4) Upon the favorable passage of a local ordinance by a parish governing authority, a justice of the peace in said parish shall have concurrent jurisdiction over the violations for removal, disposition or abandonment of objects, of a value not to exceed the civil jurisdictional limits of the justice of the peace court, that occur anywhere in the parish in which the court is situated, which are prohibited by R.S. 34:843 or any ordinance of a parish governing body that provides for the violation of any such ordinance may be in a justice of the peace court. In addition, a constable may issue summons and serve subpoenas for such violations occurring anywhere in the parish in which his court is situated. However, the penalty that may be imposed by a justice of the peace in connection with a removal, disposition, or abandonment violation prohibited by R.S. 34:843 shall be limited to the range of fines and penalties allowed by that Section.

(5) A justice of the peace court in Caddo Parish shall have concurrent jurisdiction over property standards violations within its territorial jurisdiction, pursuant to local ordinance. In addition, a constable of a justice of the peace court in Caddo Parish may issue summons and serve subpoenas for such violations occurring anywhere within the territorial jurisdiction of the justice of the peace court.

It is clear that the legislature has only conferred upon justice of the peace courts jurisdiction to hear local or parish ordinances in very few instances.² La. R.S. 13:2586 provides no authority for a justice of the peace to hear violations involving overgrown grass and obnoxious weeds in Cameron Parish. Therefore, it is the opinion of this office that the Police Jury may not enact an ordinance wherein the enforcement of its provisions are delegated to justice of the peace courts. See *a/so* La. Atty. Gen. Op. No. 99-111, wherein we opined that justice of the peace courts may not hear suits pursuant

² See La. R.S. 13:2586(C)(2), La. R.S. 13:2586(C)(4), and La. R.S. 13:2586(C)(5).

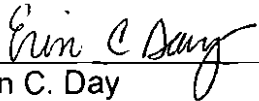
to local or parish animal control ordinance filed against owners by the Caddo Parish Animal Control Unit.

In conclusion, only the legislature has the authority to convey jurisdiction to justice of the peace courts. The legislature has not granted jurisdiction to justice of the peace courts in Cameron Parish to preside over ordinances which involve overgrown grass and obnoxious weeds. As such, the Police Jury does not have the authority to grant jurisdiction over property standard ordinances to justice of the peace courts.

We hope that this opinion has adequately addressed the legal issues you have raised. If our office can be of any further assistance, please do not hesitate to contact us.

With best regards,

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

BY:  _____
Erin C. Day
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