

# ARTICLE II. - CONDEMNATION OF BUILDINGS

- **Sec. 6-51. - Authority of parish police jury.**

The parish police jury (hereinafter referred to as the Jury and parish governing authority) within the powers given to it by La. RS 33:1236 and La. RS 33:4761 may enact ordinances within their jurisdiction relating to the repair, condemnation, demolition or removal of buildings, dwellings and other structures within the parish that have become “derelict and present a danger to the health and welfare” of residents of the parish.

The phrase “derelict and present a danger to the health and welfare”, as used in this Paragraph, shall include, but not be limited to, buildings or structures which have any of the following characteristics:

1. Are structurally unsafe.
2. Are not provided with adequate egress.
3. Constitute a fire hazard.
4. Are otherwise dangerous to human life.
5. By way of existing use or condition constitutes a hazard to public safety, health, or welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, or abandonment.

- **Sec 6-52. – Ordinance Enforcement Complaints**

Complaints are typically received from the general public, Community leaders, neighborhood group representatives, government officials, and others. Formal complaints about potential violations should be made to the Police Jury through the Permit Office.

- **Sec 6-53. - Administrative Adjudication Hearing**

The Jury may adopt an ordinance or ordinances establishing an administrative adjudication hearing procedure under the provisions of this Chapter.

The ordinances shall provide for the appointment of one or more hearing officers by the Jury to act in such matters for the Jury.

Ordinance Enforcement Complaints received by the Jury (Permit Office) shall be referred to the hearing officer or officers. The function shall be a complaint-based effort that involves

1. Investigation of possible violations via a health officer for the parish, a parish engineer, litter abatement officer, or any other qualified person appointed
2. Determining needed corrective action

### 3. Working with property owners to resolve ordinance violations

- **Sec. 6-54. - Notice to owner; absent owner; hearing.**
  - (a) Upon adopting an ordinance establishing an administrative adjudication hearing procedure for determining property to be condemned, the Jury shall provide adequate notice to the property owner(s) and to all mortgagees of record as provided in the provisions of this Chapter.
  - (b) The ordinance or ordinances shall provide for a time period for persons charged with owning such property to have a hearing under the provisions of this Chapter to show cause why the building or structure should not be condemned. The date, hour and location of the meeting shall be stated in the notice which shall be served at least thirty (30) days prior to the date of the hearing. This notice shall notify the property owner of the time, date, and location of the hearing.
  - (c) The notice may be served by a deputy sheriff, ward marshal, constable, or litter abatement officer having jurisdiction and power to serve legal process where the owner of the building or structure is found in the parish and the officer shall make return of the service as in ordinary cases. If the owner be 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 president of the jury to represent the absentee. Domiciliary service may be made as in ordinary cases.
  - (d) Notice may also be served by sending a registered or certified US mail to the violator. The date of the postmark shall be deemed to be the date of delivery. Any notification so sent and returned by the USPS shall be considered as having fulfilled the notification requirement.
  - (e) Failure of any person charged with a violation to appear at the hearing shall be considered an admission of liability for the charged violation.
  - (f) Any administrative adjudication hearing held under the provisions of this Chapter shall be conducted in accordance with the rules of evidence of the Administrative Procedure Act. Testimony by any person shall be taken under oath. The person charged with the ordinance violation may present any relevant evidence and testimony as such hearing and may be represented by an attorney at law. However, his physical presence shall not be required at the hearing if documentary evidence, duly verified by such person, is submitted to the hearing officer prior to the date of the hearing.

(g) The Jury shall have the authority to empower the hearing officer(s) with authority to:

1. Administer oaths and affirmations
2. Issue orders compelling the attendance of witnesses and defendants and the production of documents.
3. Levy fines, fees, penalties, and hearing costs, the maximum of which shall not exceed those established for the parish or municipal courts.
4. Order violators to correct violations, if possible, within a stipulated time.
5. Take necessary and lawful measures to effect correction or removal of the violation if the violator fails to do so within the time allocated by the hearing officer.
6. Record orders, judgments, notices of judgments, or liens in the mortgage office of the parish in which immovable property, or any portion thereof, in or on which the violation occurred is situated.

- **Sec. 6-55. - Decision of jury; order to demolish or repair.**

- (a) After the hearing, the hearing officer(s) shall issue a written report to the Jury within thirty (30) days, excluding legal holidays, of the hearing stating whether or not cause was presented to demolish or remove the building or structure. If in the opinion of the hearing officers the facts justify it, an order shall be entered condemning the building and ordering that it be demolished or removed within a certain delay. Any fines, penalties, costs, or fees assessed against the owner shall also be declared if applicable. If repairs will correct the dilapidated, dangerous or unsafe condition, the Jury 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 Jury.
- (b) Upon receiving the hearing officer(s) written report, the Jury shall render a decision and provide an order in writing at their next regular public meeting. That decision shall be final unless appealed within five (5) days after the public meeting to the District Court or the Avoyelles Justice of the Peace Litter Court. (La. HB 964).
- (c) If no appeals are filed, the Jury shall within thirty (30) days after the hearing, excluding legal holidays, send written post-hearing notice to the property owner(s) and each mortgagee of record explaining whether the hearing officer determined the subject property condemned and the building(s) or structure(s) removed. The post-hearing notice should state whether any fines, penalties, costs, or fees are assessed.

- **Sec. 6-56. - Appeal from decision.**

(a) The owner, occupant, agent or other representative of the owner may appeal the decision of the Jury to the Twelfth Judicial District Court or the Avoyelles Justice of the Peace Litter Court (La. HB 964). The appeal shall be made by the filing of a suit against the Jury, setting forth the reasons why the decision or order of the Jury is illegal or improper and the issue shall be tried **de novo** (new trial) and by preference in the district court.

(b) Either party may appeal from the judgment of the court as in other cases.

- **Sec. 6-55. - Compliance with decision; demolition by jury where owner fails to comply; notice.**

(a) 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 Jury within the required time.

In the event the owner or occupant of the building or structure fails or refuses to comply with the decision of the Jury and fails to appeal therefrom within the legal delays provided herein, then, in that event, the Jury may proceed with the demolition or removal of the condemned building or structure in which case the Jury shall not be liable in damages.

(b) Prior to the demolition or removal of the building or structure by the Jury, the President of the Jury shall serve notice on the owner or his agent and on the occupant of the building if there be one, or upon the attorney-at-law appointed to represent the minor interdict or absentee owner, giving the time when the work will begin for the demolition or removal of the building.

- **Sec. 6-56. - Lien and privilege for cost of demolition by the jury.**

The governing authority of the parish may adopt ordinances for procedures governing the placement of costs, fines and court costs charged to an owner on the ad valorem tax bills of the parish; be enforced with the same authority and be subject to the same penalties and procedures as unpaid ad valorem taxes; shall be collected at the same time and in the same manner as ad valorem taxes on property subject to taxation. The parish shall be the sole and proper defendant in any action authorized by law to contest the addition of such charges for contempt fines, other fines, court costs, and collection to the ad valorem tax bills of the parish.

If the Jury ordered the demolition or removal of the building or structure, notwithstanding any other provision of the law to the contrary, and if the owner of the lot containing a derelict building, dwelling, or other structure fails to repair or demolish any such building, dwelling, or structure as required by an order from the Jury, all costs incurred by the Jury in the demolition or removal of the building or structure, all contempt fines, other fines, and court costs charged

to such owner for failure to comply with such order or judgment shall constitute a lien on that immovable property.

The lien shall secure all costs, fines, and penalties which are assessed by the Parish in accordance with this Section and described in the order, judgment, notice of judgment, or lien. In order for the lien and privilege to arise, the order, judgment, notice of judgment, or lien shall be final and not subject to appeal when recorded in the Clerk of Court's mortgage office. The lien and privilege shall have ranking as provided by La. RS 9:4821(1).

In order to preserve the lien and privilege, it shall be the duty of the Jury to prepare and sign a sworn statement of facts giving the description of the property and the approximate cost of demolishing or removing the building or structure, which statement of facts he shall cause to be filed and recorded in the mortgage records of the parish and the jury shall be entitled to recover the amount of this expense together with all costs of court by ordinary process in the Twelfth Judicial District Court in and for the parish.

Such lien shall be notice to all persons from the time of its recording and shall bear interest at the legal rate thereafter until satisfied.

Any liens placed against such immovable property shall be included in the next annual ad valorem tax bill and shall be paid along with such taxes, not subject to any valid homestead exemptions. Failure to pay the liens shall cause the immovable property in or on which the violation occurred to be subject to the same provisions of law that govern tax sales of immovable property.

The Sheriff of the parish or the appropriate entity that collects taxes shall be reimbursed by the governing body of the parish under the same provisions of law that govern tax sales of immovable property.