

Chapter 22

NUISANCES

- Art. I. In General, 22.1 – 22.10**
- Art. II. Noxious Weeds, Growth, and Matter, 22.11 – 22.15**
- Art. III. Junk, Abandoned Motor Vehicles, 22.16 – 22.27**
- Art. IV. Abandoned, Condemned Houses, Structures, 22.28 – 22.30**
- Art. V. Appeal Rights, 22.31-22.32**

(Chapter 22 amended by Ordinance No. 3 of 2006, Ordinance 7 of 2007, Ordinance No. 6 of 2009)

ARTICLE I. IN GENERAL

SECTION 22.1: DEFINITIONS. RANK VEGETATION, TRASH, DEBRIS, JUNK AND REFUSE

Sec. 22.1 Police to notify Town Council of nuisances.

It shall be the duty of the Town of Brusly Police Department, thru its duly elected and/or appointed officers, to notify the Brusly Town Council of the existence of any and all nuisances regulated by this chapter which may come to their knowledge, and the Police Department, upon such information, shall cause such nuisances to be abated at the expense and cost of the person or persons on whose property the same may exist, unless such person or persons abate the nuisance after being notified thereof.

Sec. 22.2 Nuisance to be abated.

All persons shall be required to remove or abate all nuisances which they have perpetrated on any of the land, lots, streets, alleys, sidewalks, levees and/or any public places within the Town of Brusly, and every person who shall refuse to do so shall, after the time for compliance provided in this Chapter has elapsed, be guilty of a misdemeanor and be subject to a fine and/or imprisonment as is directed in Section 25.6, in addition to all of the abatement and collection costs and fees imposed under this Chapter. Each day that the nuisance shall continue shall be a separate and distinct offense.

Sec. 22.3 Definition.

For the purposes of this chapter, the term “nuisance” shall specifically include those prohibitions and limitations on ownership contained in Articles 659 through 672 of the Louisiana Civil Code.

Sec. 22.4 Nuisances generally.

(a) Any person who is guilty of unreasonable, unwarranted or unlawful use of their property, real or personal, or from their own improper, indecent or unlawful personal conduct, thereby working an obstruction or injury to a right of another citizen of the Town of Brusly or the public in general, in producing any material annoyance, inconvenience, discomfort, hurt, damage or harm, or anyone whose personal conduct or use of property, whether owned by them or under their possession, use and control, which personal conduct and use of property shall cause an offensive, noxious or injurious injury to a citizen of the Town of Brusly or, to the public in general, or causing a vexatious, disagreeable or annoying injury to a citizen of the Town of Brusly or the public in general, shall be guilty of a nuisance and upon conviction shall be fined or imprisoned as is directed in Section 25.6.

(b) The following conduct is hereby defined, particularly, as nuisances, which conduct shall constitute a violation of this chapter; however, in defining such nuisances particularly, such definitions are not to be determined as exclusive and any other conduct which shall constitute a nuisance shall be subject to punishment as herein set forth:

- (1) Noise as defined by Section 20.1, which may be abated either under this Chapter and/or under Chapter 20, at the sole discretion of the Town of Brusly;
- (2) Contamination or pollution of the atmosphere with offensive matter, where the contamination substantially impairs the use of property, or interferes with the comfort of a person of ordinary sensibilities;
- (3) Dust blown from a person's land onto a neighbor's premises, where it is sufficient to cause perceptible injury to property or so pollutes the air as sensibly to impair its enjoyment;
- (4) The causing of noxious fumes, gases or vapors to escape onto neighboring premises to such a degree as to render persons of ordinary sensitiveness uncomfortable and sick;
- (5) Noxious smells or odors;
- (6) The invasion of premises in the neighborhood or causing annoyance of the general public by smoke, soot or smudge;
- (7) Invasions of one's premises by ashes, cinders, chaff, dirt, burning particles, refuse or sand;
- (8) Obstruction of access to a person's property;
- (9) Keeping of one's premises in a disorderly and untidy condition so as to be offensive to the neighborhood;
- (10) When a person causes or allows sewage, garbage, filth, refuse or other noxious matter to be discharged, or to penetrate or drain their premises into or onto the premises of another, or keeps such sewage, garbage, filth, refuse or other noxious matter publicly displayed in such a manner as to offend the appearance of the neighborhood, or in such a manner as to cause rats, rodents or other vermin to infest and invade the neighborhood, or in such a manner as to cause an unsanitary and unhealthy condition to exist in a neighborhood;

- (11) The keeping or storage of gasoline, chemicals, natural gas, butane gas, or other dangerous substances, chemicals or matter in such a way as to present a continuing dangerous condition to the neighborhood;
- (12) The keeping of one's yard or premises in an untidy and unsightly condition so as to offend the sensibilities of the neighborhood.

Sec. 22.5 Notice to abate.

(a) When a nuisance is found to exist within the Town of Brusly, the nuisance compliance officer or some other duly designated officer of the Brusly Police Department shall give five (5) days' written notice to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance.

(b) The Town may undertake the abatement of any nuisance on any property within the municipality on a monthly basis without the notice required in subsection (a) of this section if during the six (6) month period immediately preceding the performance of the abatement work: (1) the property owner or occupant liable has been notified pursuant to subsection (a) of the existence of any nuisance on the property; (2) the Town has acted pursuant to any such nuisance notice; and (3) the property owner or occupant liable has failed to maintain a nuisance-free property in accordance with this Chapter after having been given proper notice and the opportunity to do so. However, prior to undertaking such no-notice abatement work, the Town shall file and record an affidavit, signed by the mayor or mayor's designee, at its administrative office. Such affidavit shall include the following:

- (1) A description of the property sufficient to reasonably identify it;
- (2) A photograph of the property sufficient to reasonably identify the nuisance;
- (3) A statement that the property owner or occupant liable has, within the past six (6) months, failed to maintain a nuisance-free property after being provided proper notification and given the opportunity to do so.
(Ordinance 7 of 2007)

Sec. 22.6 Contents of notice.

The notice to abate a nuisance issued under the provisions of this article shall contain:

- (1) An order to abate the nuisance, or to request a hearing before the Town Council pursuant to Section 22.21, within five (5) days of receipt of the notice;
- (2) The location of the nuisance, if the same is stationary;
- (3) A description of what constitutes the nuisance;
- (4) A statement of acts necessary to abate the nuisance;
- (5) A statement that if the nuisance is not abated as directed and no request for hearing is made within the prescribed time, the Town of Brusly will abate such nuisance and will assess the cost thereof against such person.
(Ordinance 6 of 2009)

Sec. 22.7 Service of notice.

The notice to abate a nuisance shall be served as any other legal process may be served pursuant to law.

Sec. 22.8 Abatement by Town.

Upon the failure of the person upon whom notice to abate a nuisance was served pursuant to the provisions of this article to abate the same within the specified time period given for abatement, the nuisance compliance officer or other duly designated officer of the Police Department shall proceed to abate such nuisance and shall prepare a statement of costs incurred in the abatement thereof.

Sec. 22.9 Costs declared lien.

Any and all costs incurred by the Town of Brusly in the abatement of the nuisance shall constitute a special lien and privilege on the lot or parcel of ground on which such nuisance existed and was located. Said lien and privilege granted shall have the same ranking as an ad valorem tax lien on immovable property as provided by Louisiana Revised Statutes Title 9 § 4821(1) (LA R.S. 9:4821(1)), and shall be filed, proven and collected in the same manner in which special assessments are collectible as provided for by law. 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.

Sec. 22.10 General penalty provisions.

(a) Any person found guilty of violating provisions of this chapter where a penalty is not specifically set forth shall be subject to a fine not to exceed five hundred dollars (\$500.00) and/or imprisonment not to exceed sixty (60) days in jail for each such violation.

(b) In lieu of any imprisonment authorized under the provisions of the chapter, the judge may, at the judge's discretion, allow the defendant to perform community service work, not exceeding thirty (30) eight-hour days.

ARTICLE II. NOXIOUS WEEDS, GROWTH, AND MATTER.

Sec. 22.11 Prohibition.

It shall be unlawful for the owner of any lot, place or area within the Town of Brusly, or the agent of any such owner, to permit and allow to remain on such lot, place or area, or upon any sidewalks abutting same, any noxious weeds, grass or deleterious, unhealthy growths or other noxious matter that may be growing, lying or be located thereon. It shall be presumed that grass in excess of twelve (12) inches in height is deleterious and unhealthy growth.

Sec. 22.12 Removal by Town of Brusly, civil penalties, liens.

(a) *Notice to remove.* If an owner or agent of property fails to cut, destroy, or remove such grass, noxious weeds, deleterious, unhealthy growths or other noxious matter from their property or from any abutting sidewalk, the owner or agent shall be notified by the Town of Brusly of its intent to perform such work after five (5) days and to charge the owner and/or agent for the work. Such notice shall be given by certified mail, return receipt requested, addressed in accordance with tax rolls of the Town of Brusly, or served on the owner and/or agent by domiciliary or personal service by a representative of the Town of Brusly.

(b) *Removal by Town of Brusly, hourly charge.* If the owner and/or agent of the property fails to cut, destroy or remove such grass, noxious weeds, deleterious, unhealthy growths or other noxious matters from their property or from any abutting sidewalk within five (5) days after receipt of such notice, the Town of Brusly may have such grass, noxious weeds, deleterious, unhealthy growths or other noxious matter cut, destroyed or removed and may charge the owner and/or agent the reasonable costs incurred by the Town in abating the violation, with labor to be assessed at an hourly rate of one hundred dollars (\$100.00) per hour in performing the abatement work, in addition to the out of pocket expenses incurred by the Town of Brusly and/or its authorized agents in abating and correcting the violation. The bill for the work shall be delivered by certified mail, return receipt requested, addressed in accordance with the tax rolls of the Town of Brusly, or served on the property owner and/or their agent by domiciliary or personal service, by a representative of the governing authority.

(c) *Cost levied against owner, lien.* Upon failure of the property owner or their agent to pay the charges within thirty (30) days of receipt of the bill, the Town of Brusly may file a certified copy of said charge with the recorder of mortgages, and the same, when so filed and recorded, shall operate as a special lien and privilege in favor of the Town of Brusly against the property on which the work was done or against the property abutting the sidewalk on which the work was done. The lien and privilege granted under this subsection shall have the same ranking as an ad valorem tax lien on immovable property as provided by Louisiana Revised Statutes Title 9 § 4821(1) (LA R.S. 9:4821(1)), and shall be collected as a special assessment against the property as provided by law.

(d) *Collection.* If the said statement is not paid within one (1) month thereafter, the amount shall be included in and form part of the taxes due by the owner of said property, and when collected shall be credited to the general fund of the Town of Brusly.

(e) *Lien cancellation.* The lien and/or charge shall not be cancelled until payment of all amounts, including costs, attorney fees and interest as provided by law.

Sec. 22.13 Criminal penalty.

Any owner or owners or agent of any owner or owners found in violation of the above Section shall be subject to a fine not to exceed five hundred dollars (\$500.00) and/or imprisonment in jail not to exceed sixty (60) days for each such violation.

Sec. 22.14 Trash fires.

It shall be unlawful for any person to start or set any trash fire or to burn paper, grass, trash or debris, where such fire is not protected by a proper furnace or incinerator, within the Town of Brusly limits, unless such person has been issued a valid fire permit from the Fire Department Sub District No. 2 of West Baton Rouge Parish, which includes the Town of Brusly within its area of responsibility.

Sec. 22.15 Filings liens; legal proceedings.

(a) In the event a bill for the cutting of grass and/or cleaning a lot within the Town of Brusly limits exceeds two hundred fifty dollars (\$250.00), the Town of Brusly shall file a lien on the property.

(b) In the event a bill for the cutting of grass and/or cleaning a lot within the Town of Brusly limits exceeds one thousand dollars (\$1,000.00), the Town of Brusly shall take all necessary legal action, including seizure and sale of the property, to effect collection of the monies owed for services rendered by the Town of Brusly.

ARTICLE III. JUNK, ABANDONED MOTOR VEHICLES.

Sec. 22.16 Definitions.

(a) For the purposes of this article, the terms “junk” and “abandoned motor vehicle” shall mean: old, unused, stripped, junked and other motor vehicles, automobiles, other vehicles, machinery, implements, equipment, appliances, furniture, and personal property of any kind which is stored so as to create a nuisance as defined in Section 22.4, including, but not limited to any motor vehicle, as defined by the Louisiana Revised Statutes, which does not have lawfully affixed thereto both an unexpired license plate or plates and a valid motor vehicle safety inspection certificate, and the condition of which is one (1) or more of the following:

- (1) Wrecked;
- (2) Dismantled;
- (3) Partially dismantled;
- (4) Inoperative;
- (5) Abandoned;
- (6) Discarded.

(b) Owner of premises means the owner of the land on which the “junk” and/or “abandoned motor vehicle” is located, as shown on the last assessment roll.

(c) Enforcing agency means the Brusly Police Department, Chief of Police, the nuisance compliance officer, Town Inspector, as well as their duly authorized officers and/or agents.

(d) However, the provisions of this article shall not apply to:

(1) Any motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned drag strips or raceways.

(2) Any motor vehicle stored as the property of a member of the Armed Forces of the United States who is on active duty assignment.

(3) Antique vehicles, which means any motor vehicle twenty-five (25) years or older which is operable and substantially in its original condition. An antique vehicle must be registered as an “antique” and display an “antique” license plate.

Sec. 22.17 Declaration of nuisance and illegality.

The presence of any “junk” and/or “abandoned motor vehicle” as herein defined on any private lot, tract or parcel of land, or portion thereof, occupied or unoccupied, improved or unimproved, and/or any public property, street, or alley, within the Town shall be deemed a public nuisance; and it shall be unlawful for any person to cause or maintain such a public nuisance by wrecking, dismantling, partially dismantling, rendering inoperable, abandoning or discarding any “junk” and/or “abandoned motor vehicle” on the real property of another or to suffer, permit or allow any “junk” and/or “abandoned motor vehicle” to be parked, left or maintained on such person’s own real property or on any public street, alley or other property, provided that this Section shall not apply with regard to:

(1) Any “junk” and/or “abandoned motor vehicle” in an enclosed building;

(2) Any “junk” and/or “abandoned motor vehicle” on the premises of a business enterprise operated in a lawful manner, when necessary to the operation of such business enterprise; or

(3) Any “junk” and/or “abandoned motor vehicle” in an appropriate storage place or depository maintained at a location officially designated and in a manner approved by the Town.

Sec. 22.18 Evidence of abandonment.

The following criteria, illustrative, but not limited to, may be used to help the city determine whether any “junk” and/or “abandoned motor vehicle” is abandoned or junked under the definitions in this article:

(1) It has been left upon a street or highway in violation of a law or ordinance prohibiting parking longer than forty-eight (48) hours;

- (2) It has been left on property owned or controlled by the Town for a period of more than forty-eight (48) hours;
- (3) It has been left on private property without the consent of the owner, occupant or lessee thereof for a period of more than forty-eight (48) hours;
- (4) It has been left on any public street or highway of the Town for more than forty-eight (48) hours;
- (5) The junk and/or vehicle fails to display a current license plate and/or current motor vehicle inspection sticker;
- (6) It is partially dismantled or wrecked;
- (7) It is incapable of self propulsion or being moved in the manner for which it was originally intended.

Sec. 22.19 Administration and enforcement.

(a) Except as otherwise provided herein, the provisions of this article shall be administered and enforced by the police department, and/or the Town inspector. In the enforcement of this article, such persons charged with administration and enforcement may enter upon private or public property to examine the “junk” and/or “abandoned motor vehicle” or parts thereof and/or to obtain information as to the identity of the “junk” and/or “abandoned motor vehicle” or parts thereof declared to be a nuisance pursuant to this article.

(b) When the Town has contracted with or granted a permit to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of the “junk” and/or “abandoned motor vehicle” or parts thereof declared to be a nuisance pursuant to this article.

Sec. 22.20 Order to abate, occupied premises; disposal of “junk” and/or “abandoned motor vehicle” by Town; request for hearing.

(a) Whenever any public nuisance exists on occupied or unoccupied premises within the Town in violation of this article, the enforcing agency shall order the owner of the “junk” and/or “abandoned motor vehicle”, or the owner or occupant of the premises whereon such public nuisance exists, to abate or remove the same. Such order shall:

- (1) Be in writing;
- (2) Specify the public nuisance and its location;
- (3) Specify the corrective measures required;
- (4) Provide for compliance within five (5) days from services;
- (5) Provide for opportunity for opportunity for hearing by written request to the Town within five (5) days.

(b) The order shall be served upon the owner or occupant of the premises by serving them personally or by sending the order by certified mail, return receipt requested, to the address of the premises and the address of the owner of the “junk” and/or “abandoned motor vehicle” as shown by the State of Louisiana Department of

Public Safety – Office of Motor Vehicles and/or similar licensing agencies of any State of these United States.

(c) Within the five (5) day period after service of notice, the owner of the premises or the owner of the “junk” and/or “abandoned motor vehicle” shall abate the nuisance by (1) removing the nuisance from the premises or (2) commencing repairs to the “junk” and/or “abandoned motor vehicle” which shall be completed within fifteen (15) days, together with proper storage in a manner so as to fully abate the nuisance in the opinion of the enforcing agency. An extension not to exceed thirty (30) days may be granted only by the nuisance compliance officer of the Brusly Police Department for good cause shown.

(d) If the owner or occupant of the premises or the owner of the “junk” and/or “abandoned motor vehicle” fails to abate the nuisance within the five (5) day period of notification or fails to timely request a hearing within said time period, the police department may issue a misdemeanor summons to the owner or occupant of the premises and cause the “junk” and/or “abandoned motor vehicle” to be removed from the premises in the same manner as provided by state law and local ordinance, including but not limited to removal and disposal of the “junk” and/or “abandoned motor vehicle” by the Town with the cost of removing and disposing of said “junk” and/or “abandoned motor vehicle” to constitute a special lien and privilege on the lot or parcel of ground on which it is located. Said lien and privilege granted under this subsection shall have the same ranking as an ad valorem tax lien on immovable property as provided by Louisiana Revised Statutes Title 9 § 4821(1) (LA R.S. 9:4821(1)), and shall be collected in the same manner in which special assessments are collectible by law not to exceed a cost of five hundred dollars (\$500.00) per separate notice of a “junk” and/or “abandoned motor vehicles” nuisance on the property.

(e) The owner or occupant of the premises or owner of the “junk” and/or “abandoned motor vehicle” or any holder of any lien or mortgage, before obtaining possession thereof, shall pay to the Town all reasonable costs incidental to the removal and storage of the “junk” and/or “abandoned motor vehicle”.

Sec. 22.21 Hearing conduct; proceedings thereafter.

(a) The Town Council shall hear the request for hearing, as provided in Section 22.31, and shall determine whether or not the owner or occupant of the premises or owner of the “junk” and/or “abandoned motor vehicle” is, in fact, in violation of this article. Upon a finding that said person is in violation of this article, said person shall be ordered to remove and/or abate such nuisance as provided herein.

(b) If the owner or occupant of the premises or owner of the “junk” and/or “abandoned motor vehicle” fails and/or refuses to abate or remove the nuisance, the Town Council shall request the police department or Chief of Police to issue a misdemeanor summons to the owner or occupant of the premises or owner the “junk” and/or “abandoned motor vehicle” and cause said “junk” and/or “abandoned motor

vehicle” to be removed from the premises in the same manner as provided by this article, Town with the cost of removing and disposing of said “junk” and/or “abandoned motor vehicle” to constitute a special lien and privilege on the lot or parcel of ground on which it is located. Said lien and privilege granted under this subsection shall have the same ranking as an ad valorem tax lien on immovable property as provided by Louisiana Revised Statutes Title 9 § 4821(1) (LA R.S. 9:4821(1)), and shall be collected in the same manner in which special assessments are collectible by law not to exceed a cost of five hundred dollars (\$500.00) per item of “junk” and/or “abandoned motor vehicles”.

Sec. 22.22 Refusal by certified mail.

For purpose of this article, when the owner of the premises or owner of the vehicle has been served notice by certified mail as set forth in Section 22.20(b) herein and such certified mail is refused, the owner is deemed to have received notice in accordance with the provisions herein and the five-day period commences to run on the date of refusal.

Sec. 22.23 Failure to comply.

The failure or refusal to comply with the provisions of this article shall constitute a misdemeanor, and the violator shall be subject to the issuance of a misdemeanor summons. The penalty shall be a fine up to five hundred dollars (\$500.00) and/or sixty (60) days imprisonment for each violation.

Sec. 22.24 When owner’s whereabouts are unknown or notice unclaimed.

(a) When there is any “junk” and/or “abandoned motor vehicle” on premises that are unoccupied and the identify or whereabouts or the owner of the premises is unknown or unascertainable after a diligent search has been made, or if notice sent to the last record owner of the property by certified mail has been returned as unclaimed, then the enforcing agency shall place an advertisement in the official journal of Town of Brusly for the whereabouts of the owner allowing for a response within a period of five (5) days. If no response is forthcoming after the five (5) day period, then the enforcing agency may take possession of the “junk” and/or “abandoned motor vehicle” and remove it from the premises. The enforcing agency shall thereafter dispose of the “junk” and/or “abandoned motor vehicle” in the same manner as provided herein.

(b) If notice sent to the occupant of the premises is returned unclaimed, service may be accomplished by posting the notice on the doorway of the premises with the five-day period commencing on the date of posting.

Sec. 22.25 Immunity from liability.

(a) No person shall be held to answer in any civil or criminal action to any property owner, owner, lien holder or other person legally entitled to the possession of any “junk” and/or “abandoned motor vehicle” for disposing of it as contemplated herein.

(b) The Town and its elected and/or appointed officials and employees shall not be held to answer in any civil or criminal action to any property owner, owner, lien holder or other person legally entitled to the possession of any the “junk” and/or “abandoned motor vehicle” for disposing of it as contemplated herein.

Sec. 22.26 Burning of junk.

The burning of “junk” without a valid fire permit from the Fire Department Sub District No. 2 of West Baton Rouge Parish is strictly prohibited.

Sec. 22.27 Storage of junk and/or abandoned motor vehicles.

The storage of “junk” and/or “abandoned motor vehicles” without a permit from Town of Brusly is strictly prohibited.

ARTICLE IV. DERELICT BUILDING, DWELLING AND/OR OTHER STRUCTURES, CONDEMNATION, DEMOLITION

Sec. 22.28. Derelict Buildings, Dwellings and/or other Structures

The term “derelict” buildings, dwellings and/or other structures shall apply to buildings, dwellings and/or other structures or portions thereof, existing or hereafter erected as follows:

- (1) Those deemed structurally unsafe; unstable; unsanitary; constituting a hazard to life because of inadequate exit facilities; constituting a fire hazard; unsuitable or improper for the use or occupancy to which they are put; constituting a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or otherwise dangerous to life or property; and/or
- (2) Vacant buildings, dwellings and/or other structures or portions thereof deemed to constitute a hazard; and/or
- (3) Those failing to meet all of the “minimum housing requirements” listed in subsections (a) through (l) herein below:

(a) Load Bearing Structures:

- These are the parts of the building, dwelling and/or other structures such as rafters, beams and load bearing walls that carry most of the weight of the building, dwelling and/or other structures.

- These parts must be in good condition and able to support the weight of the building, dwelling and/or other structures.
- These parts cannot have extensive termite damage.
- These parts must be level, plumb, and sturdy.

(b) Foundation Walls:

- The foundation walls must be level and plumb.
- The foundation walls cannot have large cracks or breaks.
- The foundation walls must keep out rodents and other pests.
- The space underneath a raised building, dwelling and/or other structures must be free of debris.
- The foundation cannot have any rotted columns or missing or leaning piers. The foundation cannot be sagging or breaking.
- Concrete cannot be crumbling or cracking.

(c) Exterior Walls:

- The exterior walls must be level and plumb.
- The exterior walls must be free from large holes, breaks and loose or rotting materials.
- The exterior walls must prevent water and wind from entering the building, dwelling and/or other structures.
- The exterior walls must be water tight.

(d) Roofs:

- The roof cannot allow rain or wind to enter into the buildings, dwellings and/or other structures.
- The roof cannot have broken or loose materials.
- Shingles, flashing, felt paper or tiles must be in good condition.
- The roof cannot have extensive termite damage.
- Except for a period not to exceed one (1) year following roof damage caused by a storm, the roof cannot be covered with a temporary covering to prevent water entry.

(e) Chimneys:

- Chimneys and similar structures must be safe and in good repair.
- None of the chimney material can be falling off or crumbling.

(f) Rodents:

- The property has to be maintained so as to keep rodents from nesting and to prevent rodent infestation. If rodents are found on the property, the rodents must be exterminated by approved processes which are not a threat to humans and/or pets.
- After the extermination, the cause of the infestation must be fixed. This may mean clearing debris and/or putting mesh over vents in the building, dwelling and/or other structures.

(g) Garages, Sheds, Fences and Free Standing Walls:

- These cannot have excessive deterioration that might cause them to fall apart.
- The free standing walls of a building, dwelling and/or other structures must be plumb and level.
- There cannot be any loose pieces that might come off during stormy weather.

(h) Stairways, Steps, Decks, Porches and Balconies:

- These structures cannot be in danger of collapsing. Wood cannot be significantly weak, damaged and/or deteriorating. These structures have to be anchored to the building, dwelling and/or other structures, and must be able to support the structures which they were designed to support.
- Stairways cannot be blocked.
- Steps cannot be missing.

(i) Handrails and Guardrails:

- These must be firmly fastened and capable of supporting normal loads.
- Wood cannot have deteriorated to the point where it might collapse.
- These must be the proper height.
- These must be secured and anchored to the building, dwelling and/or other structures.

(j) Securing the property:

- There cannot be any broken doors, windows, and/or empty door and/or window frames on the property. These must be repaired and/or replaced, and/or be properly boarded up so

as to prevent entry to the building, dwelling and/or other structures.

(k) Doors:

- Doors, door assemblies and door hardware cannot have significant deterioration.
- Screens cannot have large tears.
- Glass doors cannot be broken.
- A door must fit into the door frame.

(l) Windows, skylight and door frames:

- These must be in good condition and weather tight.
- These must prevent water and air entry.
- Windows must be operable.
- Windows that open must have fully functioning locks.
- Windows cannot have any panes missing or broken.
- Door frames have to be in good working order.
- Door frames have to be level and plumb.
- Door frames cannot have extensive deterioration.

(Ordinance 6 of 2009)

Sec. 22.29. Recommendation of removal; notice; service; appeal hearing before Town Council.

- (a) The Mayor shall be empowered to issue condemnation orders which declare any building, dwelling and/or other structures to be “derelict”, and which order the demolition and/or removal of “derelict” buildings, dwellings and/or other structures, after receipt by the Mayor of a written report signed by the designated Town building inspector or other person authorized to act in such matters by the Town recommending the demolition and/or removal of “derelict” buildings, dwellings and/or other structures. The Mayor shall thereupon serve notice on the property owner of such condemnation order, by registered or certified letter or other legal notice pursuant to this Chapter, notifying the owner of the “derelict” determination, and advising the owner that the “derelict” buildings, dwellings and/or other structures will be demolished or removed. The notice shall contain the specific reasons for the condemnation order and “derelict” declaration, with specific reference to the appropriate subsections of Section 22.28, and shall require the owner of the property on which the building, dwelling and/or other structures are located to appear at a hearing before the Town Council. Said notice containing the date and hour of said hearing before the Town Council shall be served on the property owner at least ten (10) days prior to the date of the hearing, except in the case of a grave public emergency as hereinafter provided for

in Section 22.32. At such hearing, the property owner shall be required to show cause why the condemnation order was improperly issued, and why the building, dwelling and/or other structures should not be condemned, declared “derelict” and demolished and/or removed in accordance with this Chapter.

- (b) The requirement for notice to the owner shall be deemed satisfied when notice has been provided pursuant to any of the following subsections:
 - (1) Notice is served upon an owner in the same manner as any other legal process may be served pursuant to law;
 - (2) Notice is served by registered or certified mail, return receipt requested, sent to the owner at his/her actual address and/or last known address listed on the tax rolls of the Town;
 - (3) Notice is in the same manner as service of citation or other process upon any mortgagee or any other person who may have a vested and/or contingent interest in the property as indicated in the mortgage or other public records of the parish, if the owner is absent or unable to be served in accordance with subsections (b) (1) or (2) of this Section;
 - (4) Notice is made by publication once a week for two weeks consecutively in the official journal of the Town, if the owner is absent or is unable to be served in accordance with subsections (b) (1), (2) or (3) of this Section.
 - (5) If the owner is absent from the State or unrepresented therein, then the notice shall be served on the occupant of the condemned building, dwelling and/or other structures, if any, and also upon an attorney at law appointed by the Mayor to represent the absentee property owner. Domiciliary service may be made as in ordinary cases.
- (c) In the case of a grave public emergency as defined in Section 22.32, where the condition of the building, dwelling and/or other structures is such as to cause possible immediate loss or damage to person or property, the Mayor may condemn the building, dwelling and/or other structures after twenty-four (24) hours notice served upon the property owner, his/her designated agent or other representative, or any occupant of the property, and, if applicable, the attorney at law appointed to represent the absentee owner.
- (d) Any notice served pursuant to this Section shall be filed by the Town with the West Baton Rouge Recorder of Mortgages. Once filed, said 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. (Ordinance 6 of 2009)

Sec. 22.30. Town Council Decision and/or Condemnation order; demolition; repair.

(a) After the hearing before the Town Council, if, in the opinion of the Town Council, the facts justify it, an order shall be entered condemning the building, dwelling and/or other structures, and ordering that the same be demolished and/or removed within a certain delay. If repairs will correct the dilapidated, dangerous or unsafe condition in the building, dwelling and/or other structures, the Town Council may, in its sole discretion, grant the property owner the option of making such repairs, but, in such case, the Town Council decision shall specify: (1) the general nature and/or extent of the repairs to be made to the building, dwelling and/or other structures; (2) the specific defects in the building, dwelling and/or other structures which shall be corrected; and (3) the delay within which said repairs shall be completed and defects corrected.

(b) The decision and/or condemnation order of the Town Council shall be in writing and shall be final unless appealed to the 18th Judicial District Court as hereinafter provided in Section 22.36 within five (5) days, exclusive of legal holidays, from the date of such decision and/or condemnation order of the Town Council. The written decision and/or condemnation order of the Town Council shall be served on the owner as provided in Section 22.29. (Ordinance 6 of 2009)

Sec. 22.31. Repair and/or demolition of condemned buildings, dwellings and/or other structures.

With respect to Town Council decisions and/or condemnation orders issued pursuant to Section 22.30 herein:

(a) The owner, his/her designated agent or other representative may proceed to demolish and remove the condemned building, dwelling and/or other structures, or to have the same repaired, in accordance with the order of the Mayor and/or Town Council, provided the owner, his/her designated agent or other representative executes a contract in writing obligating the owner to have the work done within the required time delay, and files a copy of said contract with the Mayor, together with a surety bond to guarantee performance.

(b) In the event the owner or occupant of the condemned building, dwelling and/or other structures fails and/or refuses to comply with the decision of the Town Council and fails to appeal there from within the legal delays provided for herein, then, in that event, the Mayor may proceed with demolition and/or removal of the condemned building, dwelling and/or other structures, or public nuisance, without further notice. In such event, the Town and its elected and/or appointed officials and employees shall not be liable in damages, and shall not be held to answer in a civil and/or criminal action to any property owner, occupant, owner, lien holder or other person for the demolition and/or removal of the condemned building, dwelling and/or other structures or public nuisances as contemplated herein.

(c) Prior to the demolition and/or removal of the condemned building, dwelling and/or other structures by the Town, the Mayor shall cause to be served notice on the property owner, his/her designated agent or other representative, and/or any occupant of the condemned property, if any there be, or upon the attorney at law appointed to represent the absentee owner, if applicable, giving the time when work will begin on the demolition and/or removal of the condemned building, dwelling and/or other structures, or public nuisance.

(d) The Mayor may request and the Adjutant General may assign, subject to the approval of the Governor, National Guard personnel and equipment to assist in the demolition and/or removal of condemned buildings, dwellings and/or other structures, or public nuisances. The provisions of this subsection shall be applicable when the budget for the demolition and/or removal of condemned buildings, dwellings and/or other structures, or public nuisances has been expended by the Town. However, the request must be accompanied by documentation that all procedural protections and substantive restraints have been adhered to by the Town.

(e) In the event all procedural protections and substantive restraints have been adhered to by the Town, the Town and its personnel and the National Guard and its personnel shall not be liable to the property owner, occupant, owner, lien holder or other person for damages resulting from the demolition and/or removal of the condemned building, dwelling and/or other structures or public nuisance. (Ordinance 6 of 2009)

Sec. 22.32. Grave Public Emergency; Vacating unsafe buildings, dwellings and/or structures; closing streets.

When a grave public emergency exists such that any building, dwelling and/or other structure, or any portion thereof, is determined by the Mayor to be in an unsafe condition so that life is endangered thereby, the Mayor shall have the authority to order and require the occupants of said building, dwelling, and/or other structure to vacate same forthwith. The Mayor shall, when necessary for the public safety, have the full authority to order the temporary closure of sidewalks, streets, buildings, dwellings, structures and places adjacent to such buildings, dwellings and/or other structures or portions thereof, and to prohibit the same from being used, without the express permission of the property owner or occupants of the property. (Ordinance 6 of 2009)

Sec. 22.33. Recovery of costs; Lien rights.

(a) In the event the Town secures, removes and/or demolishes condemned buildings, dwellings and/or other structures pursuant to this Chapter, and as provided otherwise by law, the costs of securing, demolition and/or removal of such condemned buildings, dwellings and/or other structures shall constitute a special lien and privilege on the lot or parcel of ground on which same is located, and said lien and privilege granted under this subsection shall have the same ranking as an ad valorem tax lien on immovable property as provided by Louisiana Revised Statutes Title 9 § 4821(1) (LA

R.S. 9:4821(1)), and shall be collected in the same manner in which special assessments are collectible by law.

(b) In the alternative, and solely in the discretion of the Mayor and Town Council, the cost of securing, demolition and/or removal of such condemned buildings, dwellings and/or other structures may be collected by civil action from the owner of the condemned property.

(c) The Town, through the Town Council, shall be authorized to adopt, from time to time, a policy setting forth the amount of debt due by the property owners of condemned buildings, dwellings and/or other structures. The Town Attorney is empowered, on behalf of the Town, to effect any and all collection methods and/or procedures, as provided by law, to collect the debt, including but not limited to seizure and sale of the immovable property through sheriff's sale.

(d) Demolition/Removal by Town, hourly charge: If the owner and/or agent of the property fails to secure, demolish and/or remove the condemned building, dwelling and/or other structures or public nuisance from their property within the delay specified in the condemnation order and/or decision, the Town may have such condemned building, dwelling and/or other structures or public nuisance secured, demolished and/or removed, and may charge the owner, his/her designated agent or other representative one hundred dollars (\$100.00) per hour in performing the work, which is limited to one (1) piece of equipment and one (1) Town employee. In the event additional equipment and/or Town employees are necessary for the removal of the condemned buildings, dwellings and/or other structures, the Town may charge the owner, his/her designated agent or other representative an additional fifty dollars (\$50.00) per hour per employee used and the fair rental value for the equipment used, plus out-of-pocket costs. If any outside contractors are required in order to perform said of demolition and/or removal of such condemned buildings, dwellings and/or other structures, the Town may charge the owner, his/her designated agent or other representative the full cost to the Town of said outside demolition and/or removal contract work. The bill for the work shall be served on the property owner, his/her designated agent or other representative as provided for in Section 22.29.

(Ordinance 6 of 2009)

ARTICLE V. APPEAL RIGHTS

Sec.22.34. Appeal of Compliance and/or Violation Notice to Town Council.

Any person desiring to appeal the requirements of any and all compliance and/or violation notices received under this Chapter, with the exception of any and all matters subject to criminal prosecution in Mayor's Court, shall request in writing a hearing before the Town Council within five (5) days, exclusive of legal holidays, of the receipt of the notice. The Town Council shall decide such appeal by simple majority vote of those

Council Members present at the appeal hearing. Any person aggrieved by a decision of the Town Council on such appeal shall have the right to appeal the decision of the Town Council to the 18th Judicial District Court, with said appeal to be filed within five (5) days, exclusive of legal holidays, from the date of such decision by the Town Council.

(Ordinance 6 of 2009)

Sec. 22.35. Each property judged on its own merits.

The same or similar condition existing on one or more properties shall not be a defense or justification for a violation. Each property shall be judged individually on its own merits and without prejudice.

(Ordinance 6 of 2009)

Sec.22.36. Appeal of Decision and/or Condemnation Order by Town Council; Grave Public Emergency, Appeal of Mayor's Condemnation Order.

(a) With respect to Town Council decisions and/or condemnation orders issued pursuant to Section 22.30 herein, the property owner, his/her designated agent or other representative, and/or any occupant of the condemned property may appeal any such decision and/or condemnation order of the Town Council to the 18th Judicial District Court in West Baton Rouge Parish, Louisiana within five (5) days, exclusive of legal holidays, from the date of such decision and/or condemnation order of the Town Council. The appeal shall be made by the filing of a suit against the Town, setting forth the reasons why the decision and/or condemnation order of the Town Council is illegal and/or improper. The issue on appeal shall be tried de novo and by preference in the 18th Judicial District Court in West Baton Rouge Parish, Louisiana. Where a grave public emergency has been declared by the Mayor in accordance with Section 22.32, the owner of the property on which the condemned building, dwelling and/or other structures is located who desires to prevent the demolition and/or removal thereof must file a petition within forty-eight (48) hours of the Mayor's condemnation decision, and must, at the time of filing 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.

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

(Ordinance 6 of 2009)