

FIGHT

THE

BLIGHT

**A GUIDE TO ADDRESSING COMMON
PUBLIC NUISANCES**

A publication of



In partnership with



Neil Erwin Law

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Table of Contents

How to Use This Guide	
Abandoned Vehicles	1
Junked Vehicles	3
Other Junk, Appliances, and Metal	4
Grass, Weeds, and Noxious Plant Growth	5
Dangerous Building and Structures	6
Enforcement of Liens	8
Tax Sale Process as Lien Enforcement	9
What About Mayor's Courts?	10
Role of Administrative Hearings in Nuisance Abatement	10
Appendix A – Model Ordinance for Administrative Hearing Court	13
Appendix B – Nuisance Vehicle Inspection Report	20
Appendix C - Template Notice of Violation/Abatement Sign	21
Appendix D – Notice of Building Condemnation	22



How to Use This Guide

This quick guide is meant to be a ready reference to provide an overview of the strategies that a municipality may use to address various common forms of blight and nuisance that LMA members have voted as their most troublesome. The LCAA and the LMA are grateful to Neil Erwin Law, LLC, for their contributions to the content herein.

Municipal Attorneys. This guide does NOT replace the counsel, advice, or guidance of municipal attorneys, who have the expertise to develop holistic approaches to addressing these nuisances. It is *strongly* recommended that municipalities consult with their municipal attorneys before embarking on any nuisance abatement protocol. Because these processes involve the destruction, removal, or repair of tangible property, there are constitutional considerations that are often based on the specific facts of the property at issue.

Local Statutes. Before undertaking any of these strategies, the municipality should verify that there are no statutes that address specific protocols within that municipality. There are several such statutes found in Title 33, including provisions affecting certain municipalities by population, by parish location, or by specific name (New Orleans, Baton Rouge, Monroe, etc.).

It Takes Courage. The most critical factor in successful blight and nuisance abatement is **political will**. Because municipal leaders are the closest to the voters, they sometimes find it difficult to make those essential decisions that serve the overall community interests. The solution is to develop a coalition of local leaders – including the mayor and council members – who are committed to tackling blighted property.

Community Collaboration. Invite community input and form alliances with non-profit organizations, who can be valuable partners in accessing state and federal grant funding, as well as assisting residents in complying with orders to abate nuisances on their properties. Take the time to draft tailored, meaningful, and robust ordinances regarding blighted and nuisance property, then enforce those ordinances consistently and equitably.

Innovative Thinking. Creativity is also a vital trait in the successful remediation of nuisances. There are many ways to approach problem areas, and collaborative strategizing frequently leads to innovative solutions – crews of volunteers who sweep the municipality and record nuisances, using enforcement of zoning regulations to protect residential neighborhoods from commercial or industrial operations, accessing available grant funds to address multiple aspects of community improvement, or co-enforcement with other public health agencies, to name a few.

Patience and Persistence. It is important to understand that pervasive blight did not occur overnight, so it will likewise take time to address it. Don't be discouraged by the magnitude of a problem area. Municipalities have broad authority to take on nuisance properties and taking advantage of those tools will provide tangible results to build momentum and community support until the job is done.

Educating the Public. An important part of local government's job is to educate the community about the processes and timeframes for blight remediation. Neighbors can get frustrated when problems aren't resolved as quickly as they wish, so they should know that certain minimum time frames are set by state law to protect individual property rights, and that the municipality is dedicated to seeing the process through.

Mentorship. As you draft your blight and nuisance ordinances, don't hesitate to look at what other communities have done and, as always, the staff of the LMA is available to provide resources and technical assistance to its membership.

*contributions and editing by
Karen Day White, LMA Executive Counsel*



Abandoned Vehicles

La. R.S. 32:471 *et seq.*

When Do I Use This Method?

- a motor vehicle that is inoperable and left unattended on public property for more than 24 hours
- a motor vehicle that is inoperable and left unattended on the shoulder or right of way of an interstate or a four-lane highway for more than 24 hours
- a motor vehicle that has remained illegally on public property for more than 24 hours
- a motor vehicle that has remained on private property, without the consent of the owner or person in control of the property, for more than 3 days

Do I Need an Ordinance?

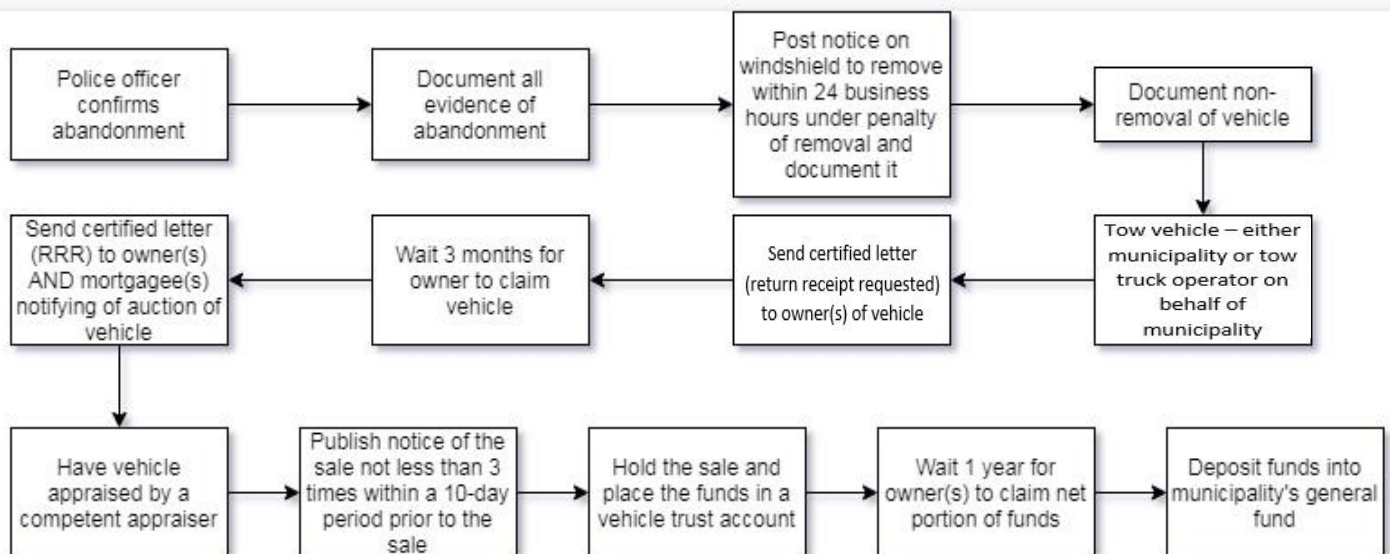
YES. The revised statutes give municipalities the authority to remove abandoned vehicles but do NOT provide for criminal sanctions in favor of the municipality. The municipality must adopt an ordinance to impose fines, imprisonment, or other penalties on any person who abandons a vehicle in violation of the definitions herein. (La. R.S. 32:473(A))

Furthermore, the municipality should adopt an ordinance to clarify the process and charges against the violator for impounding and storing the abandoned vehicles.

What Starts the Process?

Usually either a citizen's complaint or recognition by municipal law enforcement or other personnel.

What is the Process?



NOTES

- **La. R.S. 32:473.1 and 32:1728.3 (fair market value of \$500 or less) provide an alternative process for disposal of abandoned vehicles via The Louisiana Towing and Storage Act.**

- **La. R.S. 32:473.1 and 32:1728.3 further provide that the municipality shall not incur any civil or criminal liability as a result of disposal under *either* section.**

- La. R.S. 32:473 provides a \$30 limit on towing and storage, **but** only expressly applies that limit to, “the impounding and detention of vehicles illegally parked in loading, reserved or otherwise restricted zones, no parking areas, or public carrier stands . . .”
 - La. R.S. 32:472, by contrast, provides that if any motor vehicle is seized for the abandoning of said vehicle, the owner may only regain possession of the vehicle upon payment of “all charges for removing the vehicle to the place of holding and all other costs incurred during the period of holding.”

 - It is suggested that the municipality adopt, in addition to the criminal ordinance, express language that allows the municipality to recover any and all costs that are incurred by the removal and storage of abandoned vehicles.

- Documentation is important and time stamped photographs are helpful (or other means of pinpointing the date that the notice of removal was posted and the date that the vehicle was removed). Possible language for the notice:

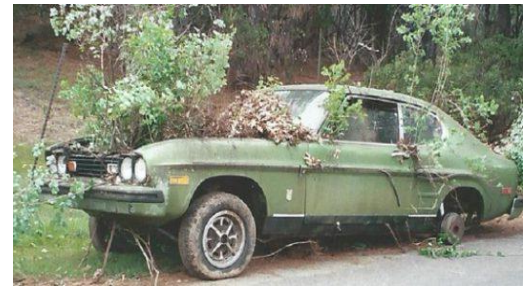
**This vehicle has been determined to be an abandoned vehicle by the
[municipality].**

**You are hereby notified that this vehicle is in violation of Ordinance No.
_____ and must be removed from public property in a manner
compliant with Ordinance No. _____
before _____.**

**Failure to do so may result in the vehicle being removed by the
[municipality], or by a tow truck operator on behalf of the [municipality].
All expenses arising from the removal, storage and disposition of this
vehicle will be the responsibility of the vehicle owner(s).**

**Any question regarding this notice should be addressed by calling
_____ at _____,
and providing Case No. _____.**

Date tagged: _____



Junked Vehicles

La. R.S. 33:4876

When Do I Use This Method?

- a motor vehicle that is totally inoperable and left unattended on any portion of any occupied lot, neutral ground, street or sidewalk AND is so damaged or dismantled that the cost to repair it exceeds its junk value as determined by a recognized national appraisal book

Do I Need an Ordinance?

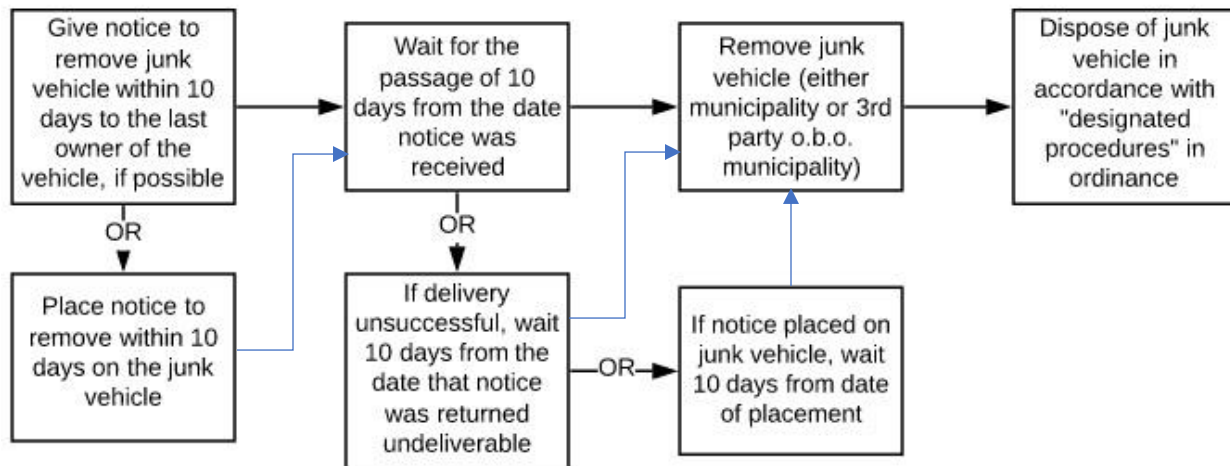
YES. The municipality must have an ordinance that prohibits the storage or abandoning of junk vehicles in accordance with the statutory definition. The ordinances shall also state the process for removal and disposition of the junk vehicle as below.

What Starts the Process?

Usually either a citizen's complaint or recognition by municipal law enforcement or other personnel. A sample Nuisance Vehicle Inspection Report is provided as **Appendix B**.

What is the Process?

According to the Attorney General, notice should be sent to the last owner of record for the vehicles, if at all possible, and notice placed on the vehicle is the second-best option (AG Opinion No. 91-228).



What Are “Designated Procedures?”

The municipality may adopt whatever procedures it likes to dispose of junked vehicles once proper notice is provided. Many opt for third party towing and storage/demolition. Whatever protocols are preferred, they **must** be codified by the municipality to be legally enforceable.



Other Junk, Appliances, and Metal

La. R.S. 33:4876



When Do I Use This Method?

- for any other junk, discarded or abandoned major appliances, such as refrigerators, freezers, ranges or machinery or other metal, tin or other discarded items, on any vacant lot, or any portion of any occupied lot, neutral ground, street or sidewalk, within the municipality or parish

Do I Need an Ordinance?

YES. The municipality must have an ordinance that prohibits the storage of the defined junk, appliances, and metal. The ordinances should also state the process for removal and disposition of the junk and should codify the statutory maximum fee for the removal - \$200 – as well as provide that the municipality may mandate that any lot used for the storage of junk be surrounded or enclosed by a board fence or other enclosure. Municipalities should consult with their attorneys to discuss the potential of imposing additional fines for violation of the ordinance.

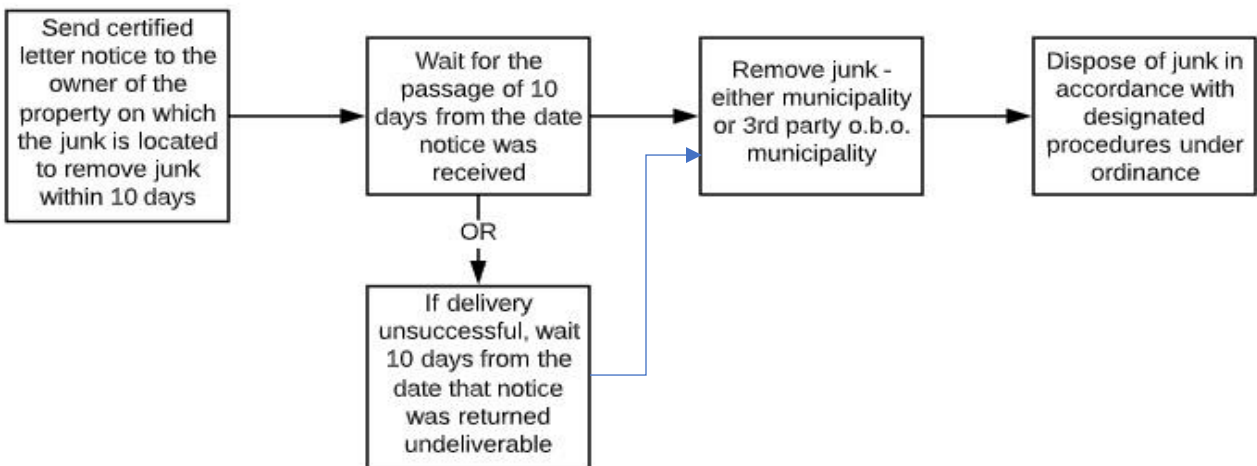
The problem arises in defining exactly what constitutes “junk” or “discarded items.” What if the owner has a hobby repairing major appliances? Or is collecting scrap metal to turn in for cash at some point? It’s often a “we’ll know it when we see it” situation, so it’s very difficult to define in an ordinance. Given the difficulty, it is sensible to have codified due process in the ordinance, such as that suggested below.

What Starts the Process?

Usually either a citizen’s complaint or recognition by municipal law enforcement or other personnel.

What is the Process?

There must be notice “given to the owner of the lot or parcel of ground upon which the junk material is located.” It is suggested that “given” means attempted notice by certified mail and that the identity of the owner(s) of the land be determined via tax rolls from the assessor.





Grass, Weeds, and Noxious Plant Growth

La. R.S. 33:5062

When Do I Use This Method?

- for addressing noxious weeds, grass, or other deleterious, unhealthy, or noxious growths or accumulations, including overgrown grass

Do I Need an Ordinance?

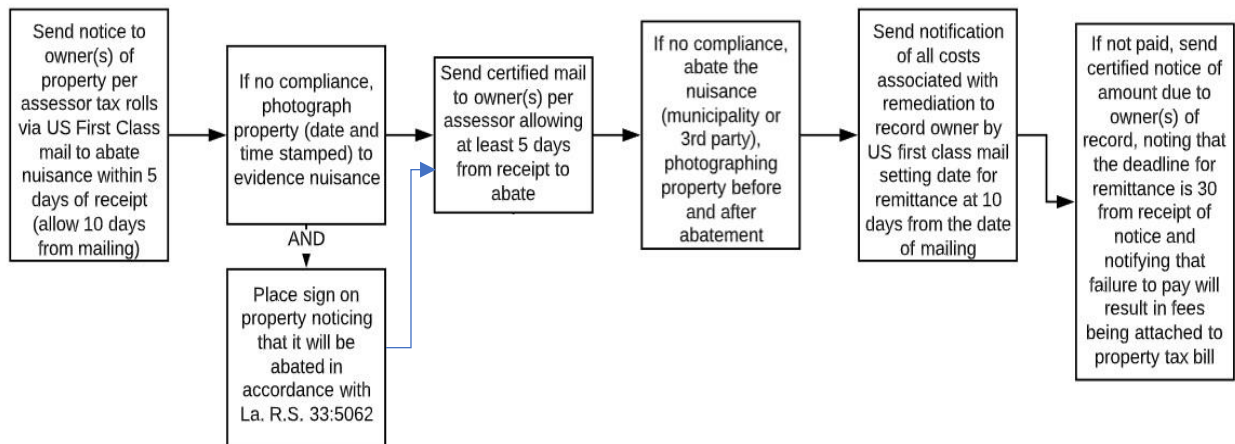
YES. The municipality must have an ordinance that defines all essential elements of this statute, including limits on the height of grass (generally around 12 inches).

What Starts the Process?

Usually either a citizen’s complaint or recognition by municipal law enforcement or other personnel.

What is the Process?

There must be notice given to the owner of the lot where the overgrowth is located. It is suggested that sending a notice to abate via regular U.S. Mail first is the most efficient means to obtain compliance before resorting to certified notice per La. R.S. 33:5062(B). The statute also allows for journal publication, but it is generally much more costly than mail. A template property abatement notification sign is provided as **Appendix C**.



NOTE: If a municipality is dealing with a repeat offender who failed to remedy the nuisance growth, then proper notification per this protocol suffices for a 12-month period IF the municipality files and records an affidavit signed by the mayor in the mortgage records that says all of the following: (1) a description of the property sufficient to reasonably identify it; (2) a photograph of the property sufficient to reasonably identify its unsafe or unsanitary condition and to justify the necessity for cutting, destroying, or removing weeds, grass, or other noxious growths; and (3) a statement that the property owner liable has within the past twelve months failed to do such work after notification and opportunity to do so pursuant to La. R.S. 33:5062(B).



Dangerous Buildings and Structures

La. R.S. 33:4761 et seq.



When Do I Use This Method?

- when a building or structure is in a dilapidated and dangerous condition which endangers the public welfare

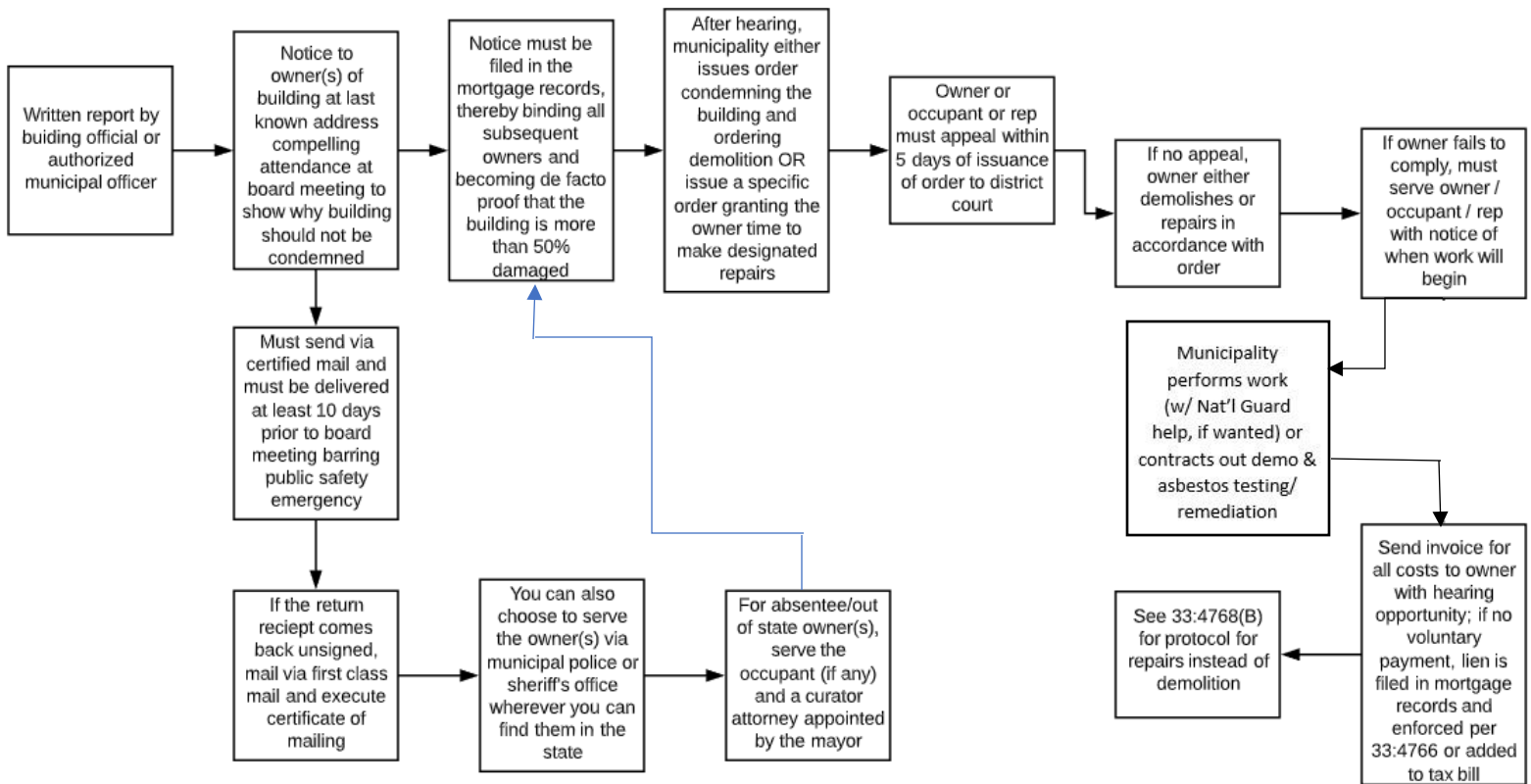
Do I Need an Ordinance?

RECOMMENDED. While the statute is self-operative, it is recommended that the process for building condemnation and demolition be codified via ordinance. The uniform building codes adopted pursuant to La. R.S. 40:1730.23 will form the basis for the recommendation of condemnation/demolition. Further, there must be an ordinance that authorizes the imposition of legal interest on demolition costs.

What Starts the Process?

Usually either a citizen's complaint or recognition by municipal law enforcement or other personnel. A sample notice of condemnation is provided as **Appendix D**.

What is the Process?



NOTES

- (1) In case of grave public emergency where the condition of the building is such as to cause possible immediate loss or damage to person or property, the parish or municipal governing authority may condemn the building after 24-hour notice served upon the owner or his agent or the occupant and attorney at law appointed to represent the absentee owner. Any such notice may be attached to a door or main entrance of the premises or in a conspicuous place on the exterior of the premises and shall have the same effect as delivery to or personal service on the owner, occupant, or attorney at law appointed to represent the absentee owner. In this case, the owner must appeal that decision within 48 hours of the posting of the notice. If owner does not remediate timely, notice posted on the door of the building is sufficient to notify of work commencement by municipality.
- (2) If all processes herein are complied with, there is a full release of liability for municipality and its employees for any damages resulting from demolition.
- (3) In the event the building or structure is unoccupied and its owner is absent from the state and unrepresented therein, or in the event the building is owned by a minor who has no tutor or an interdict who has no curator, the mayor SHALL APPOINT an attorney at law to represent the absentee, minor, or interdict upon whom the notices and other proceedings provided in this Subpart may be served. The attorney shall be paid a reasonable fee to be taxed as cost to the owner in the protocols described herein.



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Enforcement of Liens

La. R.S. 33:4766 and 4876 provide that the maintenance of immovable property through cutting of grass, weed abatement, and the removal of trash and garbage shall result in an enforceable lien against the property. The process for doing so is as follows:

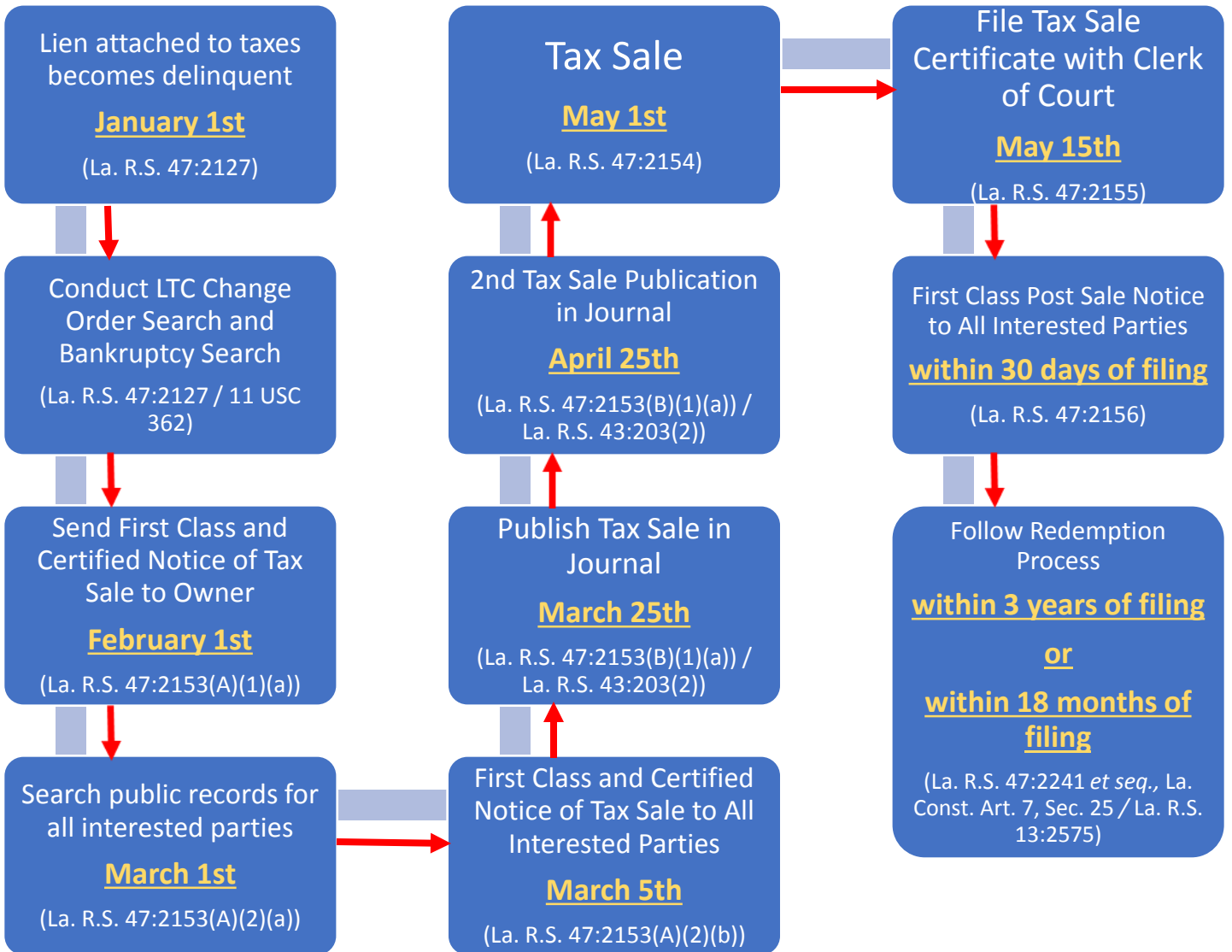
- (1) The municipality must give the owner notice of the amount owed and provide them with a reasonable opportunity to be heard.
 - (a) Notice should be sent via certified mail to all owners of the property at the addresses listed on the assessor's tax rolls OR at their actual addresses if that can be discerned.
 - (b) The notice should provide an opportunity for the owner(s) to appear at a council hearing and explain why they should not be compelled to pay the lien amount. If service of the certified letter cannot be effectuated or if the owner(s) fail to appear at the council meeting (or make alternate arrangements) to be heard, the municipality may move forward in perfecting the lien.
- (2) The municipality must file and record an affidavit by the mayor (or designee) in the mortgage office of the parish, including a description of the property sufficient to identify it and the facts that support the costs incurred by the municipality.
- (3) Once filed, the lien may be tacked on to the annual property tax bill and enforced in the same manner in which the municipality would enforce collection of annual ad valorem taxes (see page 9), OR
- (4) The lien may be enforced via ordinary proceeding in district court within 3 years of filing it.

NOTES

- All costs associated with this process shall form part of the total lien amount and, if the municipality has an ordinance that permits it, the municipality may also recover interest on the amounts secured by the lien at the rates set by La. R.S. 9:3500.
- The municipality shall have a cause of action against the property owner personally for all costs incurred in enforcing this lien unless the owner is indigent.
- The lien obligation is divisible among owners so that the proportional payment by one owner releases him from his obligation while preserving the municipality's rights as to other owners.

START HERE

Tax Sale Process as Lien Enforcement



Louisiana courts have recognized a sacrosanct right to one's property, so to divest someone of ownership requires meticulous attention to detail and adherence to constitutional provisions. At each step in this process, the costs expended by the municipality are added to the overall tax/lien obligation of the property owner(s).

The legislature has provided statutory immunity for tax collectors who undertake the tax sale process - barring intentional or gross negligence or fraud – in La. R.S. 47:2124:

B. Liability shall not be imposed on tax collectors or tax assessors or their employees based upon the exercise or performance or the failure to exercise or perform their duties under this Chapter.

What About Mayor's Courts?

Mayor's courts are vested with jurisdiction over violations of municipal ordinances and may impose fines, imprisonment or both as authorized in such ordinances. Mayor's courts are courts that have jurisdiction to conduct trials, determine guilt, and impose sentences including fines and imprisonment for breach of municipal ordinances, according to the Louisiana Supreme Court.

If the municipality has adopted ordinances that prohibit the particular blight or nuisance and provide penalties therefor, violations of those ordinances could be prosecuted in mayor's court. Judicial enforcement of code violations may be the preferred remedy in circumstances that do not meet the statutory requirements above, *e.g.*, junk or junked vehicles on *unoccupied* property.

For more information on mayor's courts and the due process requirements necessary to successfully use this tool to fight blight, please refer to the Mayor's Court Handbook available at www.lma.org.

Role of Administrative Hearings in Nuisance Abatement

La. R.S. 13:2575 provides a process by which a municipality may create an administrative court to address blighted or abandoned property, or a person violating a public health, housing, fire code, environmental, or historic district ordinance. So in addition to the remedies already provided herein, the municipality may utilize the administrative adjudication hearing procedures set forth below to seek a determination that the vacant residential or commercial property is "blighted," as defined by R.S. 33:1374(B)(1), or "abandoned," as defined by R.S. 33:4720.59(D)(2).

Once the municipality obtains a declaration that the property is "abandoned" or "blighted," the redemptive period is cut in half from three years to 18 months pursuant to La. Constitution Art. VII, Section 25(B)(3).

The administrative court also provides an ideal forum to tailor a solution for complicated nuisance properties where multiple issues persist – overgrown grass, junk vehicles, miscellaneous junk, etc. A template ordinance to establish such a court is affixed hereto as *Appendix A*.

OPTIONAL FIRST STEPS

Should the municipality wish to involve its elected governing authority **prior** to initiation of formal administrative proceedings, here are two initial optional actions:

1. Municipality sends the owner of record (per assessor) a *Notice to Abate* by USPS first class mail, indicating the date on which the council/board will decide whether the property is blighted/abandoned, or is in violation of public health, housing, fire code, environmental, or

historic district ordinances, based upon an inspection by a municipal official. Neighborly cooperation through voluntary remediation is requested. Due process suggests the notice should be at least 10 days before the council/board meeting.

2. If the property owner actually goes out and remediates the property by the date of the council meeting, then the administrative hearing process will generally end (no costs assessed). Unsatisfactory or partial remediation can cause the administrative hearing process to continue.

STATUTORY STEPS

3. Assuming no response to the letter or voluntary remediation (or if the municipality opts to not engage in the optional steps listed above), the municipality further documents all violations with photographs and gathers evidence of violations of public health, housing, fire code, environmental, or historic district ordinances, and/or evidence of blight or abandonment (if applicable).
4. For violations of public health, housing, fire code, environmental, and/or historic district ordinances, the municipality notifies the property owner(s) **at least 15 days in advance** of the date of the administrative hearing (see La. R.S. 13:2575(D)(1)).
 - (a) The notice shall state the time, date, and location of the hearing, and the alleged violations (include any inspection reports and photographs with their date).
 - (b) The notice shall be sent by certified or registered US mail to the violator or personally served on the violator at the address listed in the assessor's office of the municipality or parish.
5. For determinations of whether the property is "blighted" (as defined by La. R.S. 33:1374(B)(1)) or "abandoned" (as defined by La. R.S. 33:4720.59(D)(2)), the municipality notifies the property owner(s) and each mortgagee of record in the parish mortgage records, **at least 30 days in advance** of the date of the administrative hearing (see La. R.S. 13:2575(D)(2)).
 - (a) The notification shall state the time, date, and location of the hearing, the location of the subject property, and an explanation that the hearing is for the purpose of deciding whether the subject property is blighted or abandoned.
 - (b) The notice shall be sent by certified or registered US mail or personally served on the property owner at the address listed in the assessor's office of the municipality or parish, and on each mortgagee of record at the address provided in the recorded mortgage.

NOTE: If the administrative hearing is dual purpose – i.e., to address violations of ordinances *and* determine status as "blighted" or "abandoned" – the notice of the administrative hearing must comply with both Subsection (D)(1) and Subsection (D)(2) of La. R.S. 13:2575 *OR* the municipality may issue two notices of the administrative hearing to address each subject matter. The template ordinance in *Appendix A* sets forth the most expansive timelines and content.

6. The hearing shall be conducted at the appointed place and time pursuant to the Administrative Procedure Act with the municipality presenting its evidence of blight/abandonment as defined by statute (pictures, testimony of public officials, neighbors, etc.); the property owner or interested party may or may not be there to offer their side.
7. If the hearing officer finds that municipal ordinances have been violated and/or that the property is blighted/abandoned, they have broad authority to confect a remedy that is tailored to the situation, including ordering abatement and imposing civil penalties.
8. The hearing officer must issue the order within 30 days of the hearing date (excluding legal holidays) and shall notify all parties of the order in the same manner that parties are notified of the hearing date.
9. The property owner/mortgagee must appeal an adverse decision to district court within 30 calendar days of the order; note that the appeal does not stay the enforcement and collection of the judgment amounts unless the appellant posts a bond with the municipality for the total amount prior to filing the appeal.
10. Once the judgment is final, the municipality will have a lien on the property for all of the monies associated with the administrative hearing, including any civil penalties, through the filing of the hearing officer's final order in the mortgage and conveyance records.
11. Municipality may either enforce the judgment through the usual tax sale protocol (add it to the ad valorem tax bill), OR they can get a *fifa* writ to go out and seize and sell the property accordingly.

NOTE: There are special rules for parishes with populations between 300K and 400K, and those parishes with populations between 35.5K and 36K, as well as special rules for Jefferson Parish, Livingston Parish, West Baton Rouge Parish, Central, and New Orleans.



APPENDIX A

Model Ordinance for Administrative Hearing Court

- (A) In addition to the remedies already provided herein, the *(city, town, village)* may utilize the administrative adjudication hearing procedures set forth below, in accordance with La. R.S. 13:2575, to seek findings that there are violations of public health, housing, fire code, environmental, and/or historic district ordinances, and/or to seek a determination that the vacant residential or commercial property at issue is “blighted,” as defined by R.S. 33:1374(B)(1), or “abandoned,” as defined by R.S. 33:4720.59(D)(2).

- (B)
 - (1) Appointment of Hearing Officer
 - (a) Administrative adjudication proceedings under this article shall be conducted before hearing officers who have been licensed to practice law in Louisiana for at least two years.
 - (b) Hearing officers shall be appointed by the mayor and shall serve at the pleasure of the mayor.
 - (c) Hearing officers shall be sworn before the municipal attorney to uphold the Constitution, the laws and constitution of the State of Louisiana, and the Charter and ordinances of the *(city, town, village)*, and to abide by the provisions of the Louisiana Code of Governmental Ethics and the *(city, town, village)* Code of Ethics.
 - (2) Hearing officers who have been appointed and sworn in accordance with this Ordinance have the authority to hear and decide any and all Code and ordinance violations.
 - (3) The hearing officer shall have the power to:
 - (a) administer oaths and affirmations;
 - (b) issue orders compelling the attendance of witnesses, respondents, alleged violators, and violators and the production of documents;
 - (c) determine whether or not an alleged violator is liable or guilty of code violations;
 - (d) determine whether vacant residential or commercial property is “blighted,” as defined by R.S. 33:1374(B)(1), or “abandoned,” as defined by R.S. 33:4720.59(D)(2);
 - (e) levy fees, costs, and penalties;
 - (f) order violators to correct violations within a stipulated time;

- (g) take any and/or all necessary and lawful measures to effect corrections of the violation if the violator fails to do so within the time allocated by the hearing officer; and
 - (h) record orders, judgments, notices of judgments, or liens in the mortgage records.
- (4) Procedure for Hearing
- (a) Whenever the (city, town, village) determines that a violation of a code or ordinance exists, a notice of violation(s) shall be provided to all interested parties as defined by La. R.S. 13:2575 by certified mail at least thirty (30) days in advance of the administrative hearing.
 - (b) A notice of violation(s) shall:
 - (i) be in writing;
 - (ii) provide the municipal address of the cited property;
 - (iii) provide the date of the inspection;
 - (iv) provide notice of alleged violation(s) at the cited property;
 - (v) provide the mailing address and telephone number of the enforcement agency;
 - (vi) provide the time, date and location of the administrative hearing whereby the alleged violation shall be adjudicated;
 - (vii) provide notice that the failure to appear at the hearing shall be considered an admission of liability for the charged violation(s);
 - (viii) provide the risk of fees, penalties, costs, and liens that may be imposed for continued violation(s);
 - (ix) provide the risk of remedial measures that may be ordered by a hearing officer to correct or abate violation(s); and
 - (x) if the purpose of the hearing is to determine whether the property is “blighted” or “abandoned” as defined in paragraph B(3)(d) herein, the notice shall provide that the purpose of the hearing is to decide whether the subject property is “blighted” or “abandoned” according to the relevant laws.
 - (c) The date of the postmark shall be deemed to be the date of delivery. Any notification so sent and returned by the U.S. Post Office shall be considered as having fulfilled the notification requirement. Proof of notification and attempts at service shall be entered in the record for each case prior to the hearing.
 - (d) In addition to the service provided in Section, a copy of the notice of violation shall be affixed in a prominent location on the property upon which violations are alleged or, if safe access to the property is not reasonably practicable, on some prominent fixture on the adjacent public right-of-way as near as possible to the property at least five (5) days in

advance of the date of the hearing. It shall be unlawful for any person other than an agent of the city to remove a notice posted on the public right-of-way prior to the commencement of the hearing.

- (e) Any person charged with violation(s) herein may present any relevant evidence and testimony at such hearing and may be represented. An alleged violator's physical presence shall not be required at the hearing if documentary evidence, duly verified by such person, is submitted to the hearing officer via the agency of the (city, town, village) having a responsibility for the enforcement the code violation(s), prior to the date of the hearing. Nothing contained herein shall be construed to limit the authority or the ability of a hearing officer to determine an alleged violator's liability or guilt based solely upon submitted documentary evidence.
- (f) Any order compelling the attendance of witnesses or the production of documents may be enforced by the municipal court or by any other court of competent jurisdiction.
- (g) Any administrative adjudication hearing held under the provisions of this Ordinance shall be conducted in accordance with the rules of evidence of the Administrative Procedure Act, R.S. 49:950 *et seq.* Testimony of any person shall be taken under oath and shall be recorded.
- (h) The hearing officer shall issue a final order, judgment, or notice of judgment within 30 days of the hearing, excluding legal holidays. The hearing officer shall simultaneously send a copy of the final order, judgment, or notice of judgment to all interested parties by certified U.S. mail. The order, judgment, or notice of judgment shall:
 - (i) be signed by the hearing officer;
 - (ii) state whether or not the alleged violator is liable or guilty of each violation and any specific determinations thereto;
 - (iii) provide the amount of fees, costs, and penalties assessed for each violation;
 - (iv) provide the defects to be corrected and the extent by which each violation shall be corrected, repaired, and/or abated;
 - (v) provide the reasonable period of time by which each violation shall be corrected, repaired and/or abated;
 - (vi) notify the violator(s)' of their right to appeal; and
 - (vii) notify the violator that the city may act to abate violation(s) if the violator fails to act in accordance with the order, judgment, or notice of judgment, where applicable.
- (i) The city may enforce any order assessing fees, costs, and penalties, and/or stipulating a required correction, repair, or abatement measure.

(5) Penalties

- (a) The penalty for each violation shall not exceed the maximum that may be imposed by municipal court as provided in R.S. 13:2500.
- (b) Each day that violation(s) continues after due notice has been served shall be deemed a separate offense.
- (c) A schedule of penalties may be established by ordinance providing penalty amounts, consistent with subpart (a), for specific Code violation(s).

(6) Costs

- (a) Costs and expenses that may be recovered and enforced against a violator under this Section include, but are not limited to:
 - (i) the (city/town/villages)'s direct cost for abatement;
 - (ii) costs of salary and all applicable overhead of municipal staff and contract personnel involved in the investigation, enforcement, and/or remediation or abatement of a violation;
 - (iii) attorney's fees if and when applicable;
 - (iv) hearing and/or court costs including but not limited to hearing officer and witness fees;
 - (v) costs of engineering and other technical services and studies as may be required; and
 - (vi) any other fee, cost, or expense reasonably and rationally related to the city's enforcement action(s) to bring violation(s) into compliance or to abate and/or correct a violation of local, state or federal law.
- (b) At any point in the enforcement process after the time for voluntary compliance has expired, or following the conclusion of the enforcement/abatement action(s), the (city/town/village) may notify the violator of the proposed full cost recovery against the real property that was the subject of enforcement/abatement action. The notice may be issued as a statement of costs, which shall provide a cost schedule and contain a provision for appealing to an administrative hearing officer the accuracy and reasonableness of the costs, within 30 days from the date of mailing. After compliance has been obtained and prior to the closure of the case, a final statement of costs may be calculated and sent to the violator.
- (c) If payment is not received within 30 days of the mailing of the notice or statement of costs, or following any appeal hearing upholding all or part of the costs, the (city/town/village) may issue a demand for payment. A demand for payment shall be mailed to a violator and provide notice that, if payment is not received by the date indicated in the demand, the

(city/town/village) may lien the property that was subject to the enforcement/abatement action for all applicable costs.

(7) Liens

- (a) The (city/town/village) shall have a lien and privilege against the immovable property in, on, or upon which violation(s) occurred. The lien and privilege shall secure all fines, fees, costs, and penalties that are assessed by the (city/town/village) and described in the order, judgment, or notice of judgment and the notice or statement of costs. The recordation of the order, judgment, or notice of judgment and the notice or statement of costs in the mortgage office of the parish shall constitute a lien and privilege against the land upon which violation(s) exists. Any lien and privilege recorded against an immovable property under this Ordinance shall be included in the next annual ad valorem tax bill.
- (b) Upon recordation of the order, judgment, notice of judgment, or lien, the (city/town/village) may:
 - (i) apply to the clerk of district court for issuance of a writ in accordance with Code of Civil Procedure Article 2253, under the authority of La. R.S. 13:2575 and 13:2576, upon describing with particularity the immovable property and the manner in which the writ is to be enforced; or
 - (ii) institute a suit against the owner of record in any court of competent jurisdiction to enforce the order, judgment, notice of judgment, or lien.
- (c) 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 mortgage office.
- (d) Any monies collected pursuant to this chapter shall first satisfy all outstanding municipal liens recorded against an immovable property and only when all outstanding municipal liens are satisfied in full shall monies be applied towards an immovable property's ad valorem taxes.

(8) Enforcement of Liens-Additional Requirements

- (a) Upon the (city/town/village) instituting legal proceedings to obtain a writ to cause the seizure and sale of a property with outstanding liens, pursuant to this Ordinance, the property shall also be unoccupied.
- (b) Unoccupied properties that maintain a valid homestead per article VII, sections 18(G)(5) and 20(A)(10) of the Constitution of Louisiana, shall be exempt from this section upon presentation of a signed affidavit from the assessor or his designee, attesting that the owner is approved for an

extension of the special assessment level. This affidavit shall be renewed annually. The owner shall also submit, along with the aforementioned affidavit, a copy of their annual affidavit of intent to return and reoccupy the homestead that is filed with the assessor as required by article VII, section 20(A)(10) of the Louisiana Constitution. This provision shall expire on _____

- (c) Any person with a legally protected interest in a property must be provided notice that is reasonably calculated to apprise them of the seizure and upcoming sale of the property.

(9) Appeal

Any person determined by the hearing officer to be guilty of a Code violation may appeal the determination to the civil district court for the Parish of _____ (parish where municipality is located), _____ (number of judicial district) Judicial District Court. Such appeal shall be instituted by filing, within 30 calendar days of the mailing of the hearing officer's Order, a petition with the clerk of the civil district court along with payment of such costs as may be required by the clerk of court. After filing a petition for appeal, the clerk of court shall schedule a hearing and notify all parties of the date, time, and place of such hearing. Service of notice of appeal under this subsection shall not stay the enforcement and collection of the judgment unless the person who files the appeal furnishes security prior to filing notice of appeal with the (city/town/village)'s department of finance in the amount fixed by the hearing officer sufficient to assure satisfaction of the finding of the hearing officer relative to the fine(s), fee(s), penalty/penalties, cost(s) of the hearing, and cost(s), if any, of correcting the violation(s).

(10) Remedies Not Exclusive

The regulations, procedures, and remedies established by this Section of the Ordinance are nonexclusive and may be pursued independently of each other and in addition to other remedies provided by law.

(11) Record-keeping

- (a) At its commencement by notice of violation, every adjudication proceeding shall be assigned a docket number and a style in the form of "(city/town/village) versus" followed by the name of the alleged violator. The records pertaining to each proceeding shall be maintained as a separate file in a manner similar to the fashion in which the clerks of court maintain the records of civil cases.
- (b) Each agency charged with the enforcement of an Ordinance within the scope of this article shall, with the advice of the (city/town/village) Legal Department, maintain a log or index of all adjudication proceedings which shall set forth information, including but not limited to the following:
 - (i) the style and docket number of the case and the date it was commenced;

- (ii) alleged Code violation(s);
- (iii) date of the alleged violation(s);
- (iv) address or other description of the property upon which the alleged violation(s) exist or have occurred;
- (v) date(s) of any hearings, trials or continuances and the dates of their commencement and/or termination and, if the case is terminated, of its final disposition;
- (vi) statement(s) as to the dates of any hearing and of any final order in the case and as to whether and when any lien was filed; and
- (vii) statement(s) as to the date of filing and disposition of any appeal.

(12) Transfer of ownership

It is a violation for any property owner(s) to transfer a property that receives a notice of violation without notifying the enforcement agency of the city that sent said notice of violation. Anyone found in violation of this section shall be fined \$500.00.

(Code 20____, §_____, Ord. No. _____)

CITY ORDINANCE



APPENDIX B

NUISANCE VEHICLE INSPECTION REPORT

Inspector: _____ Date of Inspection _____

Check all conditions below that apply to the motor vehicle and attach dated photographs

	Partially dismantled, partially disassembled or wrecked, or lacks major mechanical or body parts
	Not capable of movement under its own power in the manner in which it was originally intended, or is otherwise inoperable for use as a motor vehicle
	Inoperable for a period in excess of 30 days, based on Village records or the condition of the motor vehicle
	One or more tires missing or not inflated to the extent they are useable
	One or more broken or severely cracked windows
	Does not have a current license plate, registration, motor vehicle inspection sticker and/or it is evident that the motor vehicle is not currently operable in a legal manner
	Located in an area of a growth of weeds, grass or other noxious vegetation over six inches in height
	The location or condition of the motor vehicle makes it a possible breeding ground or harbor for mosquitoes, other insects, rats, snakes, or other vermin
	The motor vehicle is a point of collection for pools or ponds of water
	Is a point of concentration of quantities of gas or oil or other flammable or explosive materials
	Is a point of collection of garbage, food waste, animal waste or other putrescent matter, or of trash, junk or similar collection of items, alone or in the aggregate
	Has sharp or jagged parts, or has sharp or otherwise dangerous edges or points of metal, plastic or glass
	Has areas of confinement (trunk, no door knobs/window handles) which cannot be operated from the interior of those areas
	Has been utilized by minors for recreational activities within the previous 60 days
	Situated or located haphazardly, or is in danger of falling or turning over
	The motor vehicle has an accumulation of factors that make it a health or safety hazard

APPENDIX C

Municipal Logo

(555)555-5555

NUISANCE
ABATEMENT
PENDING

Pursuant to La. R.S. _____ and [cite municipal ordinances], the [municipality name] is taking steps to remediate this property, which is currently in violation of those ordinances.

ANYONE REMOVING OR MUTILATING THIS SIGN IS SUBJECT TO ARREST AND CRIMINAL PROSECUTION.

NOTICE

THIS BUILDING IS UNFIT FOR HUMAN HABITATION AND/OR OCCUPANCY; THE USE OF THIS BUILDING FOR HUMAN HABITATION AND/OR OCCUPANCE IS PROHIBITED BY LAW. NO UNAUTHORIZED PERSON SHALL DEFACE OR REMOVE THIS CARD UNDER PENALTY OF FINE. FOR FURTHER INFORMATION, CONTACT _____ AT _____ (____)_____; _____(address)_____, LOUISIANA.

**BY: _____
ADMINISTRATOR**

DATE: _____