



CITY OF HAMMOND ORDINANCE

No. _____ C. .S.

An Ordinance to Amend the Code of Ordinances Regarding Unsafe Buildings and Structures

WHEREAS, the Hammond City Council desires to promote the general welfare, provide for public safety, security and good order of City and thereby provide for the repair, demolition or removal of unsafe and hazardous buildings and structures in the City;

THEREFORE, BE IT ORDAINED that the Hammond Code of Ordinances is amended as follows:

A. Section 9-93 is revised to read as follows:

Sec. 9-93. - Unsafe buildings; Condemnation; Demolition or Removal.

A. All buildings or structures which are unsafe, unsanitary, or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are severally in contemplation of this section, unsafe buildings. All such buildings determined by the building official after inspection to be unsafe, unsanitary or hazardous are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition.

B. The city council may condemn and cause to be demolished or removed any building or structure located within the City limits when the building or structure is in a dilapidated and dangerous condition which endangers the public welfare in accordance with State law.

C. Before the council may condemn any building or structure, there must be submitted to the council a written report detailing the current condition of the building or structure based on an inspection and a recommendation for the demolition or removal of the building or structure signed by the City building official and approved by the mayor. Upon receipt of the report, the council president shall then schedule a day and time when the recommendation for demolition will be considered by the council at a public meeting.

D. Thereafter, the City shall serve notice on the owner of the building or structure requiring said owner to show cause at a meeting of the city council, either regular or special, why the building or structure should not be condemned or removed in the manner and method required by LSA RS 33§4762. The notice shall also be served on any person or entity having an identified interest in the building or structure appearing from the property records recorded in the parish as of the date of the report of the building official and this notice may be served in any manner allowed by State law or by certified or registered mail.

E. In the case of grave public emergency, where the condition of the building or structure is such as to cause possible immediate loss or damage to persons or property and there is no means for the City to restrict access to the property or otherwise secure and/or protect the general public from the property, the Council may condemn the building or structure and cause its removal after 24 hours' notice served upon the owner.

F. At the hearing on condemnation or removal, if, in the opinion of the council, the facts justify it, an order shall be issued and entered by the council condemning the building or structure and ordering that it be demolished or removed within a certain reasonable delay. If repairs will correct the dilapidated, dangerous or unsafe condition, the council may grant the owner the option of making such repairs, but in such a case the general nature or extent of the repairs to be made, the time thereof and the defects to be corrected shall be specified in the decision of the council. The decision of the council shall be final unless appealed from within five (5) calendar days as hereinafter provided.

G. Alternative to Demolition; repair by City. Notwithstanding any other provision of law to the contrary, as an alternative to demolition or removal, the City may make the repairs necessary to correct the defects in a condemned structure after a demolition or removal order has been issued and the delay for a legal appeal has run, or an appeal has been denied, and when in the discretion of the city council, such action will restore the structure to a state of usefulness to the community. The decision of the council to repair the structure may be appealed in the same manner as provided for demolition or removal. The costs of repairs made pursuant to this section and a ten percent penalty thereon shall be reimbursed by the owner of the condemned property, and such costs and penalty shall operate as a lien and privilege on the property in favor of the City. Until such time as the costs and penalty have been paid, the City may lease such property and apply all revenue received to the amount owed by the owner and to the necessary maintenance of the structure.

H. The owner may appeal from the decision of the council to the Twenty-First Judicial District Court within five (5) calendar days of the council decision. The appeal shall be made by the filing of a suit against the council, setting forth the reasons why the decision or order of the council is illegal or improper and the issue shall be tried de novo and by preference in the Twenty-First Judicial District Court. Where a grave public emergency has been declared by the council, the owner who desires to prevent the demolition or removal must file a petition within 48 hours and must at the time of the filing of the petition furnish such bond as may be fixed by the district court to cover any damage that might be caused by the condition of the building or structure. Either party may appeal from the judgment of the Twenty-First Judicial District Court as in all other civil cases.

I. The owner may proceed to demolish and remove the building or structure or have it repaired in accordance with the order of the council, provided the owner executes a contract in writing obligating the owner to have the work done within the required time and files with the City a copy of the contract. In the event that the owner fails or refuses to comply with the decision of the council and fails to appeal therefrom within the legal delays provided herein, then in that event, the City may proceed with the demolition or removal of the condemned building or structure as a public nuisance.

J. Prior to the demolition or removal of the building or structure, the City shall serve notice upon the owner giving notice of the time when work will begin upon the demolition or removal of the building or structure as a public nuisance. Demolition or removal of the building shall not begin until at least ten days after this notice is served.

K. The City may request and the adjutant general of the Louisiana National Guard may assign, subject to the approval of the governor, Louisiana National Guard personnel and equipment to assist in the removal and demolition of condemned buildings and/or structures as public nuisances. The provisions of this subsection shall be applicable when the budget of the City for the demolition and removal of condemned buildings and/or structures has been expended by the City; however, the request must be accompanied by documentation that all procedural protections and substantive restraints have been adhered to by the City.

L. In the event all procedural protections and substantive restraints have been adhered to, the City and its personnel and the Louisiana National Guard and their personnel shall not be liable to the owner of the building or structure for any damages sustained resulting from the demolition and/or removal of the building or structure.

M. The City shall have a privilege and lien upon an immovable and its improvements subject to the demolition or removal, and the owner is personally liable for: (1) The cost

to the City of maintenance of the property or improvements, including but not be limited to grass cutting, weed abatement, and trash and garbage removal; and (2) The cost to the City of demolishing or removing, or both, a building or other structure situated upon the immovable or improvements, and all attorney fees incurred by the City in connection with such demolition or removal.

N. The privilege and lien shall be preserved and enforced only after the owner has refused, after notification by the City and reasonable opportunity to be heard, to pay the costs incurred by the City. The privilege and lien shall be preserved and enforced in the manner provided by LSA RS 33§4766.

O. The City may also recover interest on the amounts secured by the lien. The interest shall not exceed the rate of legal interest provided in LSA RS 9§3500 and shall be computed from the date of recordation of the lien until paid. The privilege and lien of the City shall prime all other liens or privileges against the property filed after the notice to the owner to show cause is filed with the recorder of mortgages pursuant to LSA RS 33§4762(D), regardless of the date on which the lien and privilege of the City is perfected, except that the lien and privilege of the City will not prime other tax liens against the property. The lien of the City shall not be cancelled until after payment of all amounts, including costs, attorney fees, and interest.

P. In addition to the lien and enforcement procedures authorized herein, the City has a cause of action against the owner personally for the costs incurred by the City, if such owner is not indigent and has the ability to pay a judgment obtained by the City. Such action may be brought by ordinary proceeding in any court of competent jurisdiction.

Q. If property, which may be subject to a lien and privilege granted in favor of the City, is owned in indivision and the owners in indivision, with their proportionate share in the property, are listed separately by the tax assessor on the ad valorem tax roll for the parish or City, then the City may collect against each owner in indivision as allowed by State law.

The above and foregoing ordinance having being duly submitted to the Hammond City Council in writing; introduced at a public meeting on _____ of the Hammond City Council and discussed at a public meeting held on _____.

On a motion by _____ and second by _____ the foregoing ordinance was hereby declared adopted on _____ by the following roll call vote:

VOTE: Kip Andrews (), Carlee White Gonzales (), Sam DiVittorio (), Steve Leon () Devon Wells (), Motion Approved ____.

WHEREFORE the above and foregoing ordinance was declared duly adopted on this _____ day of _____ at Hammond, Tangipahoa Parish, Louisiana.

Kip Andrews President, Hammond City Council
Hammond

Honorable Pete Panepinto Mayor, City of
Hammond

Lisa Cockerham, Clerk Hammond City Council