



## CHAPTER 12 NUISANCES

### ARTICLE V. CONDEMNED / DANGEROUS BUILDINGS

#### Section 12-56. DEFINITIONS

**CONDEMNED / DANGEROUS BUILDING or STRUCTURE** -A building or structure which is structurally unsound and presents a threat to the health, safety and welfare of the general public, and/or unoccupied and accessible to the general public and threatening to its health, safety and welfare.

**DEMOLITION** – The act of tearing down and removing a building or structure.

**NUISANCE** – Any condition of or the use of any premises, building or structure which:

- (1) Unreasonably causes or tends to cause substantial diminution in the value of the property of others in the neighborhood or vicinity in which such premises, building or structure is located; or
- (2) Is unreasonably offensive to the senses of persons of ordinary sensibility; or
- (3) Is in any way dangerous to the health and safety of others.

**OWNER**- The property owner designated in the current tax rolls in the office the St. Martin Parish Tax Assessor, and the Parish shall have the right to rely exclusively on said tax rolls for purpose of this Article.

#### Section 12-57. Prohibitions

The creation of or the maintenance of any nuisance as defined herein is hereby prohibited and is punishable by the penalties and remedies herein set forth.

#### Section 12-58. Emergency Condemnation

In cases of grave public emergency, where the condemnation of a building or structure is such as to cause possible immediate loss or damage to the public health and safety or to the property of other, the Parish Administrator may condemn the building or structure and order its demolition seventy-two (72) hours after notice is served on the owner or his agent or the occupant of the building or structure.

Where a grave public emergency has been declared by the Parish Administrator, the owner of the building or structure who desires to prevent the demolition and removal thereof must file a legal petition with the Sixteenth (16<sup>th</sup>) Judicial District Court within forty-eight (48) hours from the time of notification, and must, at the time of the filing of

the petition, furnish such bond as may be fixed by the District Judge to cover any damage(s) that might be caused by the condition of the building or structure. Either party may appeal from the judgement of the District Court as in other cases.

**Section 12-59. Administrative Procedures**

1. Upon receipt of a complaint concerning any building or structure in a dilapidated condition, a designated building inspector shall inspect the building or structure. If the building or structure is found to be a nuisance as defined in this Article, a written report, signed by the building inspector, recommending demolition or removal of the building or structure must be submitted to the St. Martin Parish Police Jury.
2. If the St. Martin Parish Police Jury finds that the building or structure is a nuisance as defined in this Article and that demolition or removal of the building or structure is necessary, the Police Jury must serve notice on the owner requiring the owner to show cause why the building or structure should not be condemned, at a meeting of the St. Martin Parish Police Jury. The date and the hour of the hearing must be stated in the notice, and it must be served at least ten (10) days prior to the date of the hearing. This notice (delivered, accepted and acknowledged) may be served by the Parish Administrator or his designee, by Certified Mail – Return Receipt Requested, or by any Sheriff or Deputy Sheriff. A certified copy of the notice shall be filed with the Recorder of Mortgages.
3. If the owner is absent from the State, or unknown, the President of the Police Jury must appoint an Attorney at Law upon whom the notice will be served.
4. A public hearing is held and at the conclusion, the Police Jury must pass a resolution and issue a written order ordering condemnation of the building or structure and that it be demolished and removed within a certain timeframe, or, if possible that repairs be made within a certain timeframe. In case of repairs, the nature and extent or repairs must be specified.

The owner of the building or structure shall have a five (5) day period in which to appeal, by legal petition, to the sixteenth (16<sup>th</sup>) District Judicial Court and request relief from the Police Jury decision.

5. If the owner of the building or structure does not voluntarily demolish the building or structure, the Police Jury can proceed with the demolition and removal written order. Before demolishing the building or structure, the Parish must serve notice on the owner or his agent and on the occupant or the attorney representing an absentee owner that states the date and timework will begin on demolition and removal.

6. Cost of Condemnation, Demolition and Removal:
- (a) All cost thereof shall be charged to the owner of such property. Said costs shall include all labor, material and equipment cost to abate or remove the nuisance including all administrative costs, engineering fees, attorney's fees, etc.
  - (b) All charges are to be paid in full within thirty (30) days of receipt of Notice of Cost of Removal. If charges are not paid within thirty (30) days of receipt of the Notice of Cost of Removal, a lien will automatically be attached to the property in the total amount of all cost incurred, including interest. The rate of interest shall be the rate of legal interest, as provided in Civil Code Article 2924, and shall be computed from the date of recordation on the lien until paid.
  - (c) If the charges are not paid, the Parish Administrator, or his designee, will file a certified copy of the invoice with the St. Martin Parish Tax Assessor, the Parish Tax Collector and the Parish Clerk of Court for recordation. The charges will be added to the annual ad valorem tax bill of the property involved, including expenses incurred for filing and canceling of a property lien.
  - (d) The Tax Collector effecting collection shall be reimbursed by the Police Jury for an amount equal to fifteen percent (15%) of the amount of such charges actually collected from the property owner. This collection charge shall also be added to the ad valorem tax bill of the property involved. This collection charge shall also be in addition to ordinary service charges assessed with enforcement of this Chapter.
  - (e) The exercise of the authority herein granted, the Parish of St. Martin shall be the sole and proper defendant in any action, authorized by law, to contest the addition of such charges to the ad valorem tax bill to the property involved.

**Section 12-60. Enforcement and Presumptions Created**

1. The Parish Administrator, or his designee, is hereby authorized to carry out and enforce the provision of this Chapter.
2. Partial compliance, with the notice given, by the owner, occupant, or tenant, or the failure or refusal of an owner, occupant or tenant or agent thereof, to completely remove and/or abate the nuisance located upon the owner's property within the time provided for herein shall be deemed a failure of such owner to comply with the requirements of this Chapter.

3. Removal or Abatement by the Police Jury:
  - (a) A work order will be issued by the Parish Administrator to remove and abate nuisance violations to either the St. Martin Parish Police Jury Public Works Department or to a contracted private contractor.

**Savings Clause**

Each Article, Section, part and/or provision of this Ordinance shall be considered severable. If, for any reason, any Article, Section part and/or provision is determined to be invalid or contrary to any law or regulation, such determination shall not impair the operation of or have any other effect upon the remaining Articles, Sections, portions or provisions of this Ordinance and any such portion or provision no so invalidated shall be given full force and effect and the invalid part or provision shall be deemed not to be part of this Ordinance.

This Ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: Fred Foti, Jr., Odell Trahan, Mike Huval, Scott Angelle, Pat Cluse, James Hebert and Robert Ray.

NAYS: None.

ABSTAIN: Thomas Nelson.

ABSENT: None.

And the Ordinance was declared and adopted this 2<sup>nd</sup> day of December 1997.

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