

STATE OF LOUISIANA
TOWN OF STERLINGTON

ORDINANCE NO. 2020-10 (VAM)

MOTION BY : MATT TALBERT

SECONDED BY: BRIAN MCCARTHY

AN ORDINANCE TO ESTABLISH ABATEMENT AND PROCEDURES FOR ABATEMENT

WHEREAS, the Town of Sterlington contains a great number of unsightly and unsafe properties and dilapidated structures which have become a liability to the community. Such conditions give rise to the spread of disease and crime, impair the economic value of property upon which they are situated, and necessitate excessive and disproportionate expenditures for crime prevention, public health, welfare and safety programs, fire and accident protection, and other services.

WHEREAS, the Town of Sterlington, as a result of the conditions of dilapidated structures and noxious matters within the town, the town finds it has a compelling interest and purpose in the abatement of these nuisances, which are not exclusive. The town is in need of additional authority to enforce the ordinances and regulations of the town applicable to such properties, including, but not limited to, the town's building, fire and zoning codes.

NOW THEREFORE, BE IT HEREBY ORDAINED by the Mayor, Fiscal Administrator, and Board of Aldermen of the Town of Sterlington, State of Louisiana, acting as the governing authority of the Town of Sterlington that:

ABATEMENT & PROCEDURES FOR ABATEMENT

CHAPTER 1 - PROCEDURES FOR ABATEMENT

ARTICLE I. - IN GENERAL.

Section 1 - Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning.

Code violation means a violation of any provision of the Code of Town of Sterlington (herein after Town) related to public health, housing, environmental, historic district, nuisance or vegetation ordinances, Town's Comprehensive Zoning Ordinance, as amended, the Building Code of the Town, as amended.

Order, judgment or notice of judgment means an administrative act of the hearing officer.

Unoccupied means having no legal occupant(s), vacant.

Violator means person(s), natural or juridical, who has been found liable and/or guilty of a Code violation and/or ordered to abate or correct a violation in an order issued under this article.

Section 2 - Authorization.

Any agency of the town having a responsibility for the enforcement of Code violation(s) may enforce violations of such ordinances by the owners of immovable property or their agents, tenants, or representatives, pursuant to the procedures for administrative adjudication established in this article.

Section 3 - Appointment of hearing officer for Town of Sterlington environmental court.

- (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 (2) years.
- (b) Hearing officers shall be appointed by the mayor subject to approval of the Board of Aldermen, and shall serve at the pleasure of the mayor.
- (c) Hearing officers shall be sworn before the town attorney to uphold the Constitution, the laws and constitution of the State of Louisiana, and the Charter and ordinances of the Town of Sterlington, and to abide by the provisions of the Louisiana Code of Governmental Ethics.

Section 4 - Authority of hearing officer.

Hearing officers who have been appointed and sworn in accordance with section Chapter 1-Section 3 shall have the authority to hear and decide any and all Code violations.

Section 5 - Powers of a hearing officer.

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) Levy fees, costs, and penalties.
- (e) Order violators to correct violations within a stipulated time.
- (f) 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.
- (g) Record orders, judgments, notices of judgments, or liens in the mortgage office.

Section 6 - Procedure for hearing.

- (a) Whenever the town agency having enforcement responsibility determines that a Code violation exists, a notice of violation(s) shall be provided to the owner and/or the mortgage holder and/or the occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance.
- (b) A notice of violation(s) shall:
 - (1) Be in writing;
 - (2) Provide the municipal address of the cited property;
 - (3) Provide the date of the inspection;
 - (4) Provide notice of alleged Code violation(s) at the cited property;
 - (5) Provide the mailing address and telephone number of the enforcement agency;
 - (6) Provide the time, date and location of the administrative hearing whereby the alleged Code violation shall be adjudicated;
 - (7) Provide notice that the failure to appear at the hearing shall be considered an admission of liability for the charged violation(s);
 - (8) Provide the risk of fees, penalties, costs, and liens that may be imposed for continued violation(s); and
 - (9) Provide the risk of remedial measures that may be ordered by a hearing officer to correct or abate Code violation(s).
- (c) Prior to holding an administrative hearing pursuant to this article, the alleged violator shall be notified at least fifteen (15) days in advance of the date that such a hearing is scheduled. Notice shall be personally served or sent to the alleged violator by regular and certified or registered U.S. mail at the address listed in the assessor's office of the parish. 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) Any person charged with Code violation(s) 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 town 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.

- (e) 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.
- (f) Any administrative adjudication hearing held under the provisions of this article 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.
- (g) The hearing officer shall issue a final order, judgment, or notice of judgment within thirty (30) days of the hearing, excluding legal holidays. A copy of the final order, judgment, or notice of judgment may be personally served on the day of the hearing or shall be sent to the violator by regular and certified or registered U.S. mail within fourteen (14) days of issuance. The order, judgment, or notice of judgment shall:
 - (1) Be signed by the hearing officer;
 - (2) State whether or not the alleged violator is liable or guilty of each violation and any specific determinations thereto;
 - (3) Provide the amount of fees, costs, and penalties assessed for each violation;
 - (4) Provide the defects to be corrected and the extent by which each violation shall be corrected, repaired, and/or abated;
 - (5) Provide the reasonable period of time by which each violation shall be corrected, repaired and/or abated;
 - (6) Notify the violator(s)' of their right to appeal; and
 - (7) Notify the violator that the town may act to abate violation(s) if the violator fails to act in accordance with the order, judgment, or notice of judgment, where applicable.
- (h) The town may enforce any order assessing fees, costs, and penalties, and/or stipulating a required correction, repair, or abatement measure.

Section 7 - Penalties.

- (a) The penalty for each violation shall not exceed the maximum that may be imposed by municipal court as provided in R.S. 13:2575 et seq., or the fine imposed by ordinance of the town council.
- (b) Each day that violation(s) continue after due notice has been served shall be deemed a separate offense at a rate set by the town council.
- (c) A schedule of penalties may be established by ordinance providing penalty amounts, consistent with subpart (a), for specific Code violation(s).
- (d) Environmental court fines.

Type of Violation	Amount of Fine
1st Offense—High grass & weeds	\$100.00

2nd Offense—High grass & weeds 200.00

1st Offense—Inoperable vehicle 50.00

2nd Offense—Inoperable vehicle 200.00

1st Offense—Littering/illegal dumping/discarded items 50.00

2nd Offense—Littering/illegal dumping/discarded items 200.00

1st Offense—Derelict/unsecure structure 50.00

2nd Offense—Derelict/unsecure structure 200.00

All other first offense nuisance violations not listed above shall be set at fifty dollars (\$50.00) per violation or less.

All other second offense nuisance violations not listed above shall be set at two hundred dollars (\$200.00) per violation or less.

Any subsequent violation following a second offense violation shall be set at four hundred fifty dollars (\$450.00) or less.

Daily fines shall not exceed fifty dollars (\$50.00) per day per violation for residential properties and two hundred fifty dollars (\$250.00) per day per violation for commercial properties. Fines for residential properties shall not exceed five thousand dollars (\$5,000.00).

Upon proof of age, all senior citizens, sixty-five (65) and older, shall be given an additional thirty (30) days prior to enforcement under section 24-8(b).

Section 8 - Costs.

- (a) Costs and expenses that may be recovered and enforced against a violator under this article include:
- (1) The town's direct cost for abatement;
 - (2) Costs of the investigation, enforcement, and/or remediation or abatement of a violation;
 - (3) Town costs for equipment use or rental if required for abatement;
 - (4) Attorney's fees if attorney other than town attorney or assistant town attorney provides services;
 - (5) Hearing and/or court costs including but not limited to hearing officer and witness fees. In the event the town attorney cannot serve as the hearing officer the rate of pay for such hearing officer shall be set by the recommendation of the mayor and approval of the Board of Aldermen.
 - (6) Costs of technical services and studies as may be required for abatement;

- (7) Costs of monitoring programs necessary for correcting, monitoring, abating or mitigating violations;
 - (8) Any expense reasonably and rationally related to the town'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) If payment is not received within thirty (30) days of personal service the mailing of the notice or statement of costs, or following any appeal hearing upholding all or part of the costs, the town may issue a demand of payment. A demand of payment shall be mailed to a violator and provide notice that, if payment is not received by the date indicated in the demand, the town may lien the property that was subject to the enforcement/abatement action for all applicable costs.

Section 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. Such appeal shall be instituted by filing, within thirty (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 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).

Section 10 - Liens.

- (a) After the time and procedures have run for a final appeal the town 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 town 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 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 immoveable property under this article shall be included in the next annual ad valorem tax bill.
- (b) The town, upon recordation of the order, judgment, notice of judgment, or lien and upon notice to the Board of Aldermen, may:
- (1) 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 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
 - (2) 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 and all appeal delays have elapsed.
- (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.

Section 11 - Enforcement of liens—Additional requirements.

- (a) Only if property is unoccupied may the town institute legal proceedings to obtain a writ to cause the seizure and sale of a property with outstanding liens, pursuant to Chapter 1 Section 10(b)(1);
- (b) Unoccupied properties that maintain a valid homestead per of the La. Const. art. VII, §§ 18(G)(5) and 20(A)(10), 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 La. Const. art. VII, § 20(A)(10).
- (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.
- (d) If the seized property does not sell for at least two-thirds ($\frac{2}{3}$) of the appraised value of the property, the town may donate the seized property to a bona fide 501(c)(3) non-profit agency.

Section 12 - Remedies not exclusive.

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

Section 13 - Recordkeeping.

- (a) At its commencement by notice of violation, every adjudication proceeding shall be assigned a docket number and a style in the form of "Town of Sterlington 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 legal department, maintain a log or index of all adjudication proceedings which shall set forth information, including but not limited to the following:

- (1) The style and docket number of the case and the date it was commenced;
- (2) Alleged Code violation(s);
- (3) Date of the alleged violation(s);
- (4) Address or other description of the property upon which the alleged violation(s) exist or have occurred;
- (5) 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;
- (6) 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;
- (7) Statement(s) as to the date of filing and disposition of any appeal.

Section 14 - 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 town that sent said notice of violation. Anyone found in violation of this section shall be fined five hundred dollars (\$500.00).

CHAPTER 2 - NUISANCE/BLIGHT AND NUISANCE/BLIGHT ABATEMENT

ARTICLE I – General Provisions

Section 1 - Legislative findings of fact.

It is hereby found and declared that the Town of Sterlington contains a great number of unsightly and unsafe properties and dilapidated structures which have become a liability to the community. Such conditions give rise to the spread of disease and crime, impair the economic value of property upon which they are situated, and necessitate excessive and disproportionate expenditures for crime prevention, public health, welfare and safety programs, fire and accident protection, and other services.

As a result of the conditions of dilapidated structures and noxious matters within the town, the town finds it has a compelling interest and purpose in the abatement of these nuisances, which are not exclusive. The town is in need of additional authority to enforce the ordinances and regulations of the town applicable to such properties, including, but not limited to, the town's building, fire and zoning codes.

Section 2 - Title.

The provisions embraced with this chapter and the articles and sections thereof shall constitute and be known and may be cited as the "Nuisance Abatement Code," hereinafter referred to as "this code."

Section 3 - Purpose.

- (a) This chapter establishes a procedure for the abatement of public nuisances on both vacant and occupied residential or commercial property.
- (b) The intent of this chapter is to simplify the abatement process for public safety nuisances in an effort to further stabilize neighborhoods and to protect the health and welfare of the citizens of Sterlington. Standards are established with respect to structure and the environment which are essential to make all premises safe, sanitary and fit for human use and habitation. Existing structures that do not comply with these provisions shall be altered or repaired to provide the minimum level of health, safety and welfare required by this Code.
- (c) This chapter is remedial and essential to the public interest, and it is intended that this chapter be strictly construed to effect its purpose. All premises within the town on the effective date of this chapter, those constructed thereafter, or any relocated to the town thereafter must comply with the provisions of this chapter.

Section 4 - Liability.

Any officer or employee, or any member of the Board of Aldermen or town, charged with the enforcement of these provisions, shall not thereby render himself liable personally, and is hereby relieved from all personal liability for any damages that may accrue to persons or property as a result of any act required or permitted in the discharge of their duties.

Any suit brought against any officer or employee because of such act performed by him in the enforcement of any provision of this Code shall be defended by the town legal department until the final termination of the proceedings.

Section 5 - Severability.

If any section, clause or provision of this chapter shall be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the chapter as a whole or any part thereof, other than the part so declared to be invalid.

Section 6 - Generally.

- (a) The provisions of this code shall govern the minimum conditions and the responsibilities of persons for the maintenance of all premises, including structures and the exterior of property. The owner of a premises shall maintain the structures and exterior property in compliance with the requirements contained herein, except as otherwise provided for in this Code.
- (b) A person shall not occupy as an owner-occupant or permit another person to occupy premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter.
- (c) All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure and sanitary condition as provided in this division so as not to adversely affect the public health or safety.

Section 7 - Right of entry.

- (a) In the performance of his or her duties, the code enforcement officer may enter any land, structure, or premises in the town to enforce this Code, at any reasonable time, as provided in this section.
- (b) Prior to entering any land, structure, or premises to enforce this Code, the code enforcement officer must give notice of his or her intent to enter. Notice shall be in writing and provide the date and time at which the code enforcement officer will be present to make the inspection, and inform the person notified that he or she may request to reschedule the inspection to another date and time by contacting the code enforcement officer before the stated date.
- (c) If the property is occupied, notice shall be provided by certified or registered mail to the occupant or the person with apparent right of possession, with a courtesy copy mailed to the owner at the owner's last known address as provided in the assessor's records, and conspicuously posted at or near the entrance to the structure or premises. If the property is vacant, the notice shall be mailed or delivered to the last known address of the owner as provided in the assessor's records.
- (d) After notice has been given, if the person notified fails to arrange for, denies, or unduly delays the entry, the code enforcement officer may request that the legal department file in a court of competent jurisdiction a petition for right of entry to authorize entry for the inspection. The court of competent jurisdiction shall grant the petition upon determining that:
 - (1) The notice required by subparts (b) and (c) of this section have been given; and
 - (2) The petition establishes probable cause that an inspection will reveal violation(s) of this code.
- (e) The petition for right of entry shall be verified by the code enforcement officer and accompanied by a sworn and signed affidavit containing facts within the personal knowledge of the affiant that probable cause exists.
- (f) Any inspection conducted pursuant to an order permitting right of entry shall be made within fifteen (15) calendar days of the date the order is issued, unless otherwise provided in the order. The order shall be void upon expiration of the inspection period.
- (g) Neither an order nor prior notice is required in any of the following named circumstances:
 - (1) Entry is by permission of an owner or occupant upon the code enforcement officer presenting credentials and requesting entry, or at the request of an owner or occupant of the land, structure, or premises or by a person with apparent right of possession;
 - (2) If the land, structure, or premises is vacant, visibly open and obviously accessible to members of the general public and violations of this code are in plain view;
 - (3) Immediately after an accident or disaster that causes the code enforcement officer to believe that immediate entry is necessary for investigative purposes or to protect property or public health or safety.

ARTICLE II. - NUISANCES CLASSIFIED

Section 8 - Nuisance defined.

- (a) For the purpose of this chapter, a nuisance is defined as any person, natural or juridical, doing any unlawful act, or omitting to perform a duty, or suffering or permitting any condition or thing to be or exist, which act, omission, condition or thing either:
- (1) Annoys, injures or endangers the safety, health, comfort or repose of others; or
 - (2) Offends public decency; or
 - (3) Is offensive to the senses; or
 - (4) Unlawfully interferes with, obstructs or tends to obstruct or renders dangerous for passage a lake or basin or any public or private street, highway, sidewalk, square, alley, public park, stream, ditch or drainage; or
 - (5) Essentially interferes with another person's comfortable enjoyment of life and property or tends to depreciate the value of the property of others; or
 - (6) Adversely affects the utility and habitability of property within the entire town, specifically causing substantial damage to nearby property, or adversely affecting the habitability and economic well-being of the town as a whole.
- (b) Specific nuisances may include, but are not limited to:
- (1) Use or sale of controlled substances prohibited by federal, state or local law.
 - (2) Excessive noise and peace disturbances.
 - (3) Use of a building or permits for prostitution, or lewd and lascivious behavior.
 - (4) Use of firearms.
 - (5) Vacant or unused buildings which are open to entrance by unauthorized persons because of broken, missing or open windows, doors or other opening(s).
 - (6) Any building or lot not located in Zoning Districts B-1, B-2, B-3, B-4, CBD or I-1 which is used for the storage of junk vehicles.

Section 9 - Nuisances affecting health.

- (a) *Definitions.* The following terms, wherever used or referred to in this chapter shall, unless different intent clearly appears from the context, be construed to have the meanings given herein.
- (1) *Industrial wastes* shall mean all liquid and water-borne solid, liquid or gaseous wastes resulting from industrial manufacturing, food processing operation, processing any natural resource or any mixture of these with water or domestic sewage as distinct from normal domestic sewage.
 - (2) *Storm drainage system* (sometimes termed "storm sewer system") shall mean any stream, creek, ditch, watercourse, drainage conduit, sewer, pond, lake, drainage easement, or topographical configuration which acts to channel the course of water flow; or any combination of the above; or all other natural outlets which empty into any of the above which carry storm and surface water and drainage.

- (3) *Sewage* shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface and storm waters as may be present.
- (b) *Illustrative enumeration.* The maintaining, using, placing, depositing, leaving or permitting to be or remain on any public or private property of any of the following items, conditions or actions is hereby declared to be and constitute a health nuisance; provided, however, this enumeration shall not be deemed or construed to be conclusive, limiting or restrictive:
- (1) All decayed or unwholesome food offered for sale to the public;
 - (2) All pools of water or vessels holding stagnant water in which mosquitoes can breed;
 - (3) Carcasses of animals not buried or otherwise disposed of in a sanitary manner within twenty-four (24) hours after death;
 - (4) Accumulations of trash which includes manure, rubbish, litter, rubble, refuse, debris, paper, combustible materials, offal or waste, or matter of any kind or form which is uncared for, discarded, or abandoned, or improperly stacked building materials which are potential breeding places for flies, mosquitoes, rats, mice or other vermin;
 - (5) Improperly constructed privy vaults, leaking septic tanks or sewer lines or other sewage existing in an unsanitary manner and which could cause disease transmission;
 - (6) Noxious weeds and other rank growths of vegetation, including but not limited to poison ivy, poison oak, or poison sumac and all vegetation at any state of maturity which:
 - a. Exceeds twelve (12) inches in height, except healthy trees, shrubs, or produce for human consumption grown in a tended and cultivated garden unless such trees and shrubbery by their density or location constitute a detriment to the health, benefit and welfare of the public and community or a hazard to traffic or create a fire hazard to the property or otherwise interfere with the mowing of said weeds;
 - b. Regardless of height, harbors, conceals, or invites deposits or accumulation of refuse or trash;
 - c. Harbors rodents or vermin;
 - d. Gives off unpleasant or noxious odors;
 - e. Constitutes a fire or traffic hazard; or
 - f. Is dead or diseased.
 - (7) All buildings, walls, and other structures which have been damaged by fire, decay or otherwise, and which endanger the health, peace and safety of the public;
 - (8) Offensive trades and businesses not authorized by the board of health as provided by law;
 - (9) All public exposure of persons having contagious or infectious diseases;
 - (10) Any solid or industrial waste, including but not limited to garbage, tin cans, bottles, rubbish, refuse, trash, construction waste or demolition waste, tree trimmings, brush,

- debris, wood, grass clippings, manufacturing waste or industrial waste dumped, thrown, burned, spilled, buried or abandoned, unless required permits have been obtained;
- (11) Dense smoke, strong odors, noxious fumes, gas or soot or cinders in such quantities as to render the occupancy of property uncomfortable to a person of ordinary sensibilities;
 - (12) Accumulated or blowing trash, building materials or other waste material from the construction, remodeling or repair of buildings, or from the operation of any industrial, commercial or manufacturing facility;
 - (13) Trees damaged or dead to the extent that a limb, tree or part could fall;
 - (14) Garbage cans or any trash containers which are not fly tight or are contrary to the ordinances relating thereto; or which are kept or stored within twelve (12) feet of a curb, or edge of paving where there is no curb, in excess of twenty-four (24) hours;
 - (15) Any animal kept or maintained in an unsanitary condition or surroundings;
 - (16) Discharge into any storm drainage system of any:
 - a. Untreated sewage, sewage solids, process wastewater, refuse, explosive or combustible liquid, solid or gas, oils, greases, industrial waste or other polluted waters except where a federal, state or local permit for connections, discharge or disposal has been obtained;
 - b. Waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes to constitute a hazard to humans or animals or to cause corrosion, discoloration or deposition on structures and equipment; or
 - c. Any solid or viscous substances in such quantities or of such size capable of causing obstruction to the flow in the storm water drainage system or other interference with the proper operation of the drainage system of the Town of Sterlington .
 - (17) Any building or other structure which is in such a dilapidated condition that is unfit for human habitation or kept in such an unsanitary condition that it is a menace to the health of people residing in the vicinity thereof, or presents a more than ordinarily dangerous fire hazard in the vicinity where it is located;
 - (18) All unnecessary or unauthorized noises and annoying vibrations, including animal noises;
 - (19) Improperly secured swimming pools, whether filled or unfilled;
 - (20) All disagreeable or obnoxious odors and stenches, as well as the conditions, substances or other causes which give rise to the emission or generation of such odors and stenches; or
 - (21) Any building, structure or other place or location where any activity which is in violation of local, state or federal law is conducted, performed or maintained.

Section 10 - Reserved.

Section 11 - Nuisances offending peace and safety.

The following are hereby declared to be public nuisances affecting public peace and safety:

- (a) All trees, hedges, signs or other obstructions, or any portion of the same, located within a sight-distance triangle which prevent persons driving vehicles approaching an intersection of streets from having a clear view of traffic approaching such intersection. "Sight-distance triangle" shall mean the area within an imaginary triangle formed at a street corner as follows: Extend the curb lines (or the edge of the pavement where no curbs exist) into the street to a point where those lines intersect; from that point of intersection, measure along both curb lines (or edges of pavement) to two (2) points, each of which is thirty-five (35) feet from the point of intersection; the connecting of these three (3) points shall form the sight-distance triangle;
- (b) All limbs of trees which project over a public sidewalk or street and which are less than eight (8) feet above the surface of the public sidewalk and nine (9) feet above the surface of the street;
- (c) All wires over streets, alleys or public grounds which are not licensed by the town or which are strung so that the lowest portion is less than fifteen (15) feet above the surface of the ground;
- (d) All buildings, walls and other structures which have been damaged by fire, decay or otherwise and which are so situated as to endanger the safety of the public, or which are otherwise built, erected or maintained in violation of any ordinance;
- (e) All explosives, inflammable liquids and other dangerous substances stored in any manner, in any amount other than that provided by ordinance;
- (f) All loud or unusual noises and annoying vibrations which offend the peace and quiet of persons of ordinary sensibilities;
- (g) All buildings and all alterations to buildings made or erected, within the town fire protection limits as established by ordinance, which are in violation of any ordinance concerning the manner and materials of construction;
- (h) Obstructions and excavations affecting the ordinary use by the public of the streets, alleys, sidewalks or public ground except under such conditions as are provided by ordinance;
- (i) Any use of the public streets or sidewalks which causes large crowds of people to gather, obstructing the flow of traffic and the free use of the streets or sidewalks;
- (j) All hanging signs, awnings, canopies and other similar structures over the streets or sidewalks so situated or constructed as to endanger public safety;
- (k) All barbed wire fences which are located within three (3) feet of any public sidewalk;
- (l) The keeping of any animal or reptile as a pet, wild by nature, exotic or vicious, when not kept by a licensed circus, show or pet store, in a zoo or in an accredited school; or
- (m) The repeated use of any real property or structure thereon to commit a felony in violation of the Louisiana Uniform Controlled Dangerous Substances Law.

Section 12 - Rules of construction.

The fact that certain acts or conditions are in sections 9, and 11 herein specifically declared to be a nuisance shall not be construed that any other act, fact, condition or thing shall not be a nuisance if such other act, fact, condition or thing would have been a nuisance under section 9 herein or under any other law of the town. Nothing in this title shall be construed to be a limitation upon the definition of or the provisions for the abatement of or punishment of any nuisance specified in any other part of these ordinances.

Section 13 - Prohibitions.

It shall be unlawful for any person to cause, permit, maintain or allow the creation or maintenance of a nuisance.

Section 14 - Article to be supplemental.

The provisions of this article shall be supplemental to all other ordinances and remedies available to the town.

Section 15-30 - Reserved.

ARTICLE III. - PROCEDURE FOR ABATEMENT

Section 31 - Abatement.

An owner shall abate or cause a premises to be abated in accordance with the hearing officer's order. If the owner fails to abate within the time prescribed by the hearing officer, the code enforcement officer may cause the premises to be abated without further notice or hearing(s), and the costs of abatement shall be charged against the premises and shall be a lien upon such property. A certified copy of the statement of costs reflecting the amount of such charges shall be filed with the recorder of mortgages, which shall operate as a lien and privilege in favor of the town against the property.

Section 32 - Procedure.

Whenever the code enforcement officer determines that violation(s) of this code exists or has grounds to believe that violation(s) have occurred—notice, hearing, appeal and all procedures and remedies thereto, including the collection of resultant debts and liens, shall be as provided in chapter 1 of this Code.

Section 33 - Abatement manner.

- (a) A hearing officer shall order any and all necessary and lawful measures to correct or abate violation(s), including but not limited to: repairing the premises to comply with this code, securing the premises from entry by others. The correction, repair, or alteration of any violation(s) shall be completed within the stipulated period of time provided in the hearing officer's order.
- (b) Any repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this code shall be executed and installed in a workmanlike manner and if applicable, installed in accordance with the manufacturer's instructions.

Section 34 - Penalties.

A penalty may be imposed for each noticed violation existing on, in or upon a premises. The penalty for each noticed violation shall not exceed the maximum provided in section 24-7. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 35 - Reserved.

Section 36 - Liability for costs.

In addition to any and all procedures and/or penalties set forth in chapter 24, the town may recover the costs incurred in abating a sanitary sewer nuisance by adding the same to the utility bill of any person found to be liable for the nuisance.

Section 37 - Reserved.

Section 38 - Reports, investigations and notices by the police department.

- (a) Upon discovery of a nuisance by any town police department personnel, the complaint shall be forwarded to the investigations divisions.
- (b) Personnel from these divisions shall inspect and document through written and other documentation of conditions of said property.
- (c) Officers within these divisions shall notify the owner or the mortgage holder and/or the tenant of the offending property, by certified mail, return receipt requested, of the nuisance. Depending upon the nature and the severity of the violation, the officers shall allow fifteen (15) days if a major violation or thirty (30) days if a minor violation for the landowner to resolve the violations voluntarily. Only after the expiration of the affixed period will the officer arrange for cleanup or other abatement.

Sections 39—45 - Reserved.

ARTICLE IV. - DILAPIDATED AND/OR UNSECURED BUILDINGS AS A NUISANCE

Section 46 - Application.

The procedures provided in this article shall apply to all nuisances relating to the condemnation, demolition and removal of a dilapidated building or structure and to the securing or boarding of an unsecured building or structure.

Section 47 - Definitions.

For purposes of this article, unless the context clearly states otherwise, the following definitions shall apply:

- (a) (1) *Abandonment* shall mean giving up with the intent of never again claiming a right or interest in; to leave without intending to return.
- (2) *Abatement* may include, but shall not be limited to, removal, cleaning, cutting, mowing, securing, boarding unoccupied buildings or structures, removing

dangerous portions of buildings or structures and demolitions of dilapidated structures or abandoned buildings.

- (3) *Building*, when combined with other words or used alone, shall refer to any type of building, structure, residence or dwelling.
- (4) *Dilapidated building* shall mean any building which:
 - a. Is unsafe, unsanitary, unfit for human habitation, deemed uninhabitable or not provided with adequate egress; or
 - b. Constitutes a fire hazard or may otherwise be dangerous to human life; or
 - c. In relation to its condition constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment for a period in excess of six (6) months; or
 - d. Through neglect and injury, which exceeds the ordinary, usual, or expected maintenance of a building, lacks necessary repairs which constitutes a hazardous building; or
 - e. Has been declared to constitute a public nuisance by a court of competent jurisdiction.
- (5) *Party wall* or *common wall* shall be applied as set forth in CC art. 675, or any other subsequent enumeration.
- (6) *Secured building* shall mean the closing of any building by means of placing or attaching boards or other materials over doors, windows, and other entry points in order to prohibit persons from entering the building and in order to maintain it in its present condition without further damage to such building or danger to the public welfare and safety. Securing buildings shall be done in accordance with town regulations.
- (7) *Unsafe building* shall mean any building which meets any or all of the following criteria:
 - a. The building is likely to partially or completely collapse because of:
 - (i) Dilapidation, deterioration or decay;
 - (ii) Faulty construction;
 - (iii) The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;
 - (iv) The deterioration, decay or inadequacy of its foundation; or
 - (v) Any other causes.
 - b. The building is likely to cause sickness or disease when sought to be used for its intended purpose because of dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise is determined by any code enforcement officer or the building inspector or his assignee, or health official to be unsanitary or unfit for human habitation.

- c. It has been determined by the fire marshal or fire chief that the building is a fire hazard because of obsolescence, dilapidated conditions, deterioration, damage, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus or other causes.
 - d. It has been determined that any portion of the building remaining on a site, after the demolition or destruction of such building, or whenever an unsecured building has been abandoned for a period of six (6) months so as to constitute the building or portion thereof an attractive nuisance or hazard to the public.
 - e. The building or any portion, any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of twenty-five (25) miles per hour.
 - f. The building or any portion thereof has cracked, warped, buckled or settled to such an extent that walls or other structural portions have materially become less resistant to winds or other natural occurrences such as is required in the case of similar new construction.
 - g. The building's exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb (perpendicular) line passing through the center of gravity does not fall inside the middle one-third ($\frac{1}{3}$) of the base.
 - h. Whenever the building, exclusive of the foundation, shows thirty-three (33) per cent or more damage or deterioration of its supporting member or members, or fifty (50) per cent or more of damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.
 - i. Whenever the building has been so damaged by fire, wind, flood or other natural occurrence, or has become so dilapidated or deteriorated as to become:
 - (i) An attractive nuisance to children;
 - (ii) A harbor for vagrants, criminals or immoral persons; or
 - (iii) As to enable persons to resort thereto for the purpose of committing unlawful or immoral acts.
 - j. Whenever any building is in such a condition as to be deemed or declared a public nuisance by a court of competent jurisdiction.
 - k. Whenever an owner keeps the doors and windows of a vacant building open or the building is deficient and lacking the appropriate number of walls in such a manner as to allow unauthorized entry.
 - l. Whenever any building lacks illumination, ventilation or sanitation facilities adequate to protect the health or safety of the occupants or the public.
 - m. Whenever a building has been unsecured for more than twelve (12) consecutive months.
- (8) *Unsecured building* shall mean any building which is not occupied by a legal or equitable owner thereof, or by a lessee of a legal or equitable owner, and into which

there are one or more unsecured openings such as broken or unlocked windows, broken or unlocked doors, holes in exterior walls or roof, broken basement or cellar hatchways or other similar unsecured openings which would facilitate an unauthorized entry into the building.

- (b) *Building* shall not be interpreted or construed to mean residential and commercial structures which are under construction or which are in a substandard condition as a result of a natural disaster, an act of God, force majeure, a catastrophe, or such other occurrence over which the owner or owners have no control, except as set forth in R.S. 33:4770.7.

Section 48 - Building; exterior walls; roofs; party walls.

- (a)
 - (1) Buildings destroyed by natural or other occurrences, acts of God, force majeure or catastrophe shall not remain in their destructive state in excess of ninety (90) days after the appropriate law enforcement agency releases the property.
 - (2) Such buildings shall be classified as dilapidated buildings if no reasonable and substantive efforts are made by the owner or owners to repair or to rehabilitate such building.
 - (3) Buildings destroyed by natural or other occurrences, acts of God, force majeure or catastrophe and which have been in a destructive state in excess of three (3) months, as set forth in subsection (a)(1) of this section, shall be subject to the uniform procedures of condemnation and demolition previously established by state statutes, town ordinances and other governing authorities.
- (b) All unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation or by condemnation, demolition or removal in accordance with the procedure specified in this article or in existing state laws and local ordinances.
- (c) Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other condition which might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All siding materials shall be kept in repair.
- (d)
 - (1) Roofs shall be maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.
 - (2) No portion of the roof shall display signs of deterioration, abuse or improper installation that could be constructed to affect the purpose of that item or cause damage to the immediate area or roof structure, that could allow dampness or admit rain to the interior of that building.
- (e) If a building with a party or common wall is ordered to be demolished, then the party or common wall itself shall remain intact to maintain the adjoining building, only if an adjoining building exists.

Section 49 - Maintenance.

All buildings, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required in a building when erected,

altered or repaired shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of the building.

Section 50 - Notice to owner; hearing, notice filed with recorder of mortgages binds transferees.

- (a) Before the Town Council may condemn any building, there must be submitted to it a written report recommending the demolition or removal of the building signed by the chief code enforcement officer or some town official or other person authorized to act in such matters for the town. The mayor or chief executive shall thereupon cause to have served notice upon the owner and occupant, if any, of the building requiring him to show cause at a meeting of the town council, regular or special, why the building should not be condemned. The date and hour of the meeting shall be stated in the notice which shall be served at least ten (10) days prior to the date of the hearing, except in case of grave public emergency as hereinafter provided. The notice may be served by registered or certified mail, postage prepaid, addressed to the owner and occupant, if any, at his last known address. The notice may also be served by any sheriff or deputy sheriff having jurisdiction and power to serve legal process where the owner of the building is found in the State of Louisiana, and the officer shall make return of the service as in ordinary cases.

Notice may also be given so as to inform all persons who may have a legal interest in the building or structure or the property on which the structure is located by publishing said notice in the local newspaper or the official journal in accordance with the publication requirements for town council meetings.

- (b)
 - (1) The tax assessor shall require an alternate agent for service of process in the event the owner of the property cannot be located or is otherwise not properly identifiable.
 - (2) If the owner is absent from the state or unrepresented therein, or in the event the building is owned by a minor who has no tutor or an interdict who has no curator, then the notice shall be served upon the occupant of the condemned building or structure, if any, and also upon an attorney at law appointed by the mayor to represent the absentee, minor, or interdict. Domiciliary service may be made as in ordinary cases.
- (c) 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 town council may condemn the building after twenty-four (24) hours' notice served upon the owner or his agent and/or the occupant and attorney at law appointed to represent the absentee owner.
- (d) After the hearing, if, in the opinion of the town council, the facts justify it, an order shall be entered condemning the building and ordering that it be demolished or removed within a certain delay. If repairs will correct dilapidated, dangerous or unsafe conditions, the town 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 town council. The town council may order that the building or structure be secured. The decision and order of the town council shall be in writing and shall be final unless appealed from within five (5) days as hereinafter provided.
- (e) The owner, mortgage holder, occupant, agent or other representative of the owner may appeal from the decision of the town council to the state district court having jurisdiction.

The appeal shall be made by the filing of a suit against the town, setting forth the reasons why the decision or order of the town council is illegal or improper and the issue shall be tried de novo. Where a grave public emergency has been declared by the town council, the owner of the building who desires to prevent the demolition or removal thereof must file his petition within forty-eight (48) hours 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 damages that might be caused by the condition of the building. Either party may appeal from the judgment of the district court as in other cases.

- (f) Any notice served pursuant to this section shall be filed with the 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.
- (g) Nothing in this section shall be construed to deprive property owners of their property without due process of law.

Section 51 - Unsafe buildings—demolition, repair or rehabilitation required; procedure.

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 constitutes 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 unsafe buildings are declared illegal and shall be abated by repair, rehabilitation or by demolition in accordance with the following procedure:

- (1) Whenever the code enforcement officer or the building inspector or the town engineer shall find any building or structure or portion thereof to be unsafe, as defined in this chapter, he shall, in accordance with established procedure for legal notices, give the owner and mortgage holder, agent or person in control of such building or structure written notice stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements or to demolish and remove the building or structure or portion thereof.
- (2) If necessary, such notice shall require the building, structure or portion thereof to be vacated forthwith and not reoccupied until the specified repairs and improvements are completed, inspected and approved by the code enforcement officer or the building inspector. The code enforcement officer or the building inspector shall cause to be posted at each entrance of such building or structure a notice which reads:

**"THIS BUILDING IS UNSAFE AND ITS USE OR OCCUPANCY HAS BEEN
PROHIBITED BY THE TOWN OF STERLINGTON OFFICE OF CODE
ENFORCEMENT."**

Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person to remove such notice without written permission of the code enforcement officer or the building inspector, or for any person to enter the building except for the purpose of making the required repairs or of demolishing the same.

- (2) Any person not commissioned to make repairs or to rehabilitate or to demolish the building or structure shall not enter upon or remain in or upon the movable or immovable property owned by another without express, legal or implied authorization. Such entrance is declared unlawful and shall be deemed criminal trespass.
- (3) Whoever violates the provisions of this section shall be punished in accordance with applicable state and local laws.
- (4) The following persons may enter or remain upon the structure, watercraft, movable or immovable property of another:
 - a. A duly commissioned law enforcement officer in the performance of his duties.
 - b. Any firefighter, whether or not a member of a volunteer or other fire department, and any employee or agent of the Louisiana Department of Agriculture and Forestry engaged in locating and suppressing a fire.
 - c. Emergency medical personnel engaged in the rendering of medical assistance to an individual.
 - d. Any federal, state or local government employee, public utility employee or agent in suppressing or dealing with an emergency that presents an imminent danger to human safety or health or to the environment.
 - e. Any federal, state or local government employee, public utility employee or agent in the performance of his duties when otherwise authorized by law to enter or remain on immovable or movable property.
 - f. Any person authorized by a court of law to enter or remain on immovable property.
 - g. Any person exercising the mere right of passage to an enclosed estate, as otherwise provided by law.

The following persons may enter or remain upon immovable property of another, unless specifically forbidden to do so by the owner or other person with authority, either orally or in writing:

- a. A professional land surveyor or his authorized personnel, engaged in the "Practice of Land Surveying," as defined in R.S. 37:682.
- b. A person, affiliate, employee, agent or contractor of any business which is regulated by the Louisiana Public Service Commission or by a local franchising authority or the Federal Communication Commission under the Cable Reregulation Act of 1992 or of a municipal or public utility, while acting in the course and scope of his employment or agency relating to the operation, repair or maintenance of a facility, servitude or any property located on the immovable property which belongs to such a business.
- c. Any person making a delivery, soliciting, selling any product or service, conducting a survey or poll, a real estate licensee or other person who has a legitimate reason for making a delivery, conducting business or communicating with the owner, lessee, custodian or a resident of the immovable property, and who, immediately upon entry, seeks to make the delivery, to conduct business or to conduct the communication.

- d. An employee of the owner, lessee or custodian of the immovable property while performing his duties, functions and responsibilities in the course and scope of his employment.
 - e. The owner of domestic livestock or his employees or agents while in the process of retrieving his domestic livestock that have escaped from an area fenced to retain such domestic livestock.
 - f. The owner of a domestic animal while in the sole process of merely retrieving his domestic animal from immovable property and not having a firearm or other weapon on his person.
 - g. Any candidate for political office or any person working on behalf of a candidate for a political office.
 - h. The owner or occupant of a watercraft or vessel traveling in salt water engaged in any lawful purpose for the purpose of retrieval of his property or for obtaining assistance in an emergency situation.
- (5) In case the owner, mortgage holder, agent or person in control cannot be located within the stated time limit, or if such owner, mortgage holder, agent or person in control shall fail, neglect or refuse to comply with notice to repair, rehabilitate or to demolish and remove said building or structure or portion thereof, the code enforcement officer or the building inspector, after having ascertained the cost, shall cause such building or structure or portion thereof to be demolished or secured or required to remain vacant.

Section 52 - Compliance with decision.

The owner, mortgage holder or the designated agent of either may proceed to demolish and remove the building or structure, or have it repaired, in accordance with the order of the town council, provided a contract is executed by the owner, mortgage holder or agent of either, obligating himself to have the work done within the required time and files with the mayor a copy of the contract, together with a bond to guarantee performance.

Section 53 - Demolition.

Demolition of a structure shall not be considered complete until fully dismantled, torn down, and brought down smooth and level with the ground, including the proper removal and disposal of debris or other remnants of the act of demolition.

Section 54 - Failure to comply.

At the expiration of the special securing permit, if the property owner, mortgage holder or agent of either fails to or refuses to comply with the decision of the town council and fails to appeal therefrom within the legal delays provided therein, then, in that event, the mayor may proceed with the demolition and/or removal of the condemned building or structure, in which case neither the mayor nor the town council shall be liable in damages.

Prior to demolition and/or removal of the building or structure by the town, the mayor or his designee shall serve notice to the owner, or his agent or the mortgage holder, and the occupant of the building, if there exists an occupant, or upon the attorney-at-law appointed to represent the

minor, interdict or absentee owner, giving the time when work will begin upon the demolition and/or removal of the building.

Section 55 - Inspection, demolition, notice.

Upon the expiration of the special securing permit, the town shall inspect the building(s) or structure(s) to determine compliance. If the building or structure is found to be deficient, the town shall begin the procedural process of demolishing the building or structure in accordance with the Code.

Notice shall be mailed to the property owner and the mortgage holder advising that the structure no longer qualifies for any permits with the exception of a demolition permit.

Section 56 - Post-demolition.

After the demolition and removal of debris by the town, pursuant to due notices provided in this article, if the cost and/or expense thereof has not been paid within ten (10) days, the tax collector of the town shall furnish the owner, as last shown on the last assessment roll of the town, and/or the mortgage holder, a written statement showing the cost and/or expense incurred for the work and the place or property on which the work was done. If such statement is not paid within ten (10) days thereafter, the amount therefore shall be included in and form part of the taxes due by the owner of such property. The town shall be allowed to pursue its right of action to recover costs in accordance with sections 24-10 and 24-11.

Section 57 - Post-demolition payment plan.

Within ten (10) days of receiving notice of the written statement showing the cost and/or expense incurred for the demolition work as per section 56, the owner of such property may apply to Code Enforcement for approval of a payment plan to be established by the Town Council.

Section 58 - Attorney to represent absentee, minor or interdict.

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 any attorney-at-law to represent the absentee, minor or interdict upon whom the notices and other proceedings provided in this article may be served. The attorney shall be paid a reasonable fee to be taxed as cost.

Sections 59-65 - Reserved.

ARTICLE V. - STAGNANT WATER AND UNSANITARY CONDITIONS

Section 66. - Elimination of stagnant water and other things; reinspection

The Town's administrative hearing officer is hereby empowered to order the owner of lots and other real property to eliminate, fill up, or remove stagnant pools of water or any other unsanitary thing, place or condition which might become a breeding place for mosquitoes, flies,

vermin and germs that are harmful to the health of the community. The administrative hearing officer may require the reinspection of such premises.

Sections 66—70. - Reserved.

ARTICLE VI. - INOPERABLE, ABANDONED AND WRECKED VEHICLES AS NUISANCES

Section 71 - Inoperable vehicles.

- (a) For the purpose of this section, "inoperable" shall mean a condition of being junked, wrecked, wholly or partially dismantled, or unable to perform the functions or purpose for which the vehicle was originally constructed.
- (b) It shall be unlawful for any person to park, store or deposit, or permit to be parked, stored or deposited thereon, an inoperable vehicle unless it is enclosed in a garage or other building; provided, however, that this section shall not apply to vehicles which are inoperable for a period of thirty (30) consecutive days or less.
- (c) Whenever a complaint is made to the division of code enforcement, or the division of code enforcement becomes aware of a violation of this section, the division of code enforcement shall cause to be served upon the person in possession of the vehicle or the owner of the real property upon which such inoperable vehicle is located, a written notice which shall inform such person of the violation and direct that he comply with the provisions of this section within ten (10) days following receipt of the notice, or will be required to appear in environmental court for violation of this section.
- (d) In the event the owner of such inoperable vehicle cannot be found, and the owner of the real property upon which such vehicle is located is a nonresident of the parish, the division of code enforcement shall have the authority to enter upon such property and cause the vehicle to be removed. All costs incurred shall be assessed against the property upon which the vehicle is located.

Section 72 - Abandoned motor vehicles and boats.

- (a) For the purpose of this article, "abandoned motor vehicle" shall mean any vehicle or conveyance which is self-propelled and designed to travel along the ground, which includes, but is not limited to, an automobile, a bus, a moped, a motorcycle, a truck, a tractor, a go-cart, a golf cart, a camper, a motor home and a trailer, which is left on public or private property for a period of more than forty-eight (48) hours, is left without an intent to return, regardless of whether wrecked or inoperable, and regardless of whether such vehicle bears a current registration and a current vehicle inspection sticker.

For the purpose of this article, "abandoned boat" shall mean any vessel initially designed for the carrying of passengers or cargo upon water, whether currently seaworthy or not, and regardless of size or design, including, without limitation, a barge, a motorboat whether inboard or outboard, a canoe, a rowboat, a raft and a sailboat, which is left on public or private property for a period of more than forty-eight (48) hours, is left without an intent to return, regardless of whether wrecked or inoperable, and regardless of whether such vehicle bears a current registration and a current vehicle inspection sticker.

- (b) No person shall abandon or leave any vehicle, including a wrecked or inoperable vehicle, whether attended or not, upon any public property within the Town of Sterlington for a period of time in excess of forty-eight (48) hours. The presence of any abandoned vehicle, or parts thereof, on public property is hereby declared to be a public nuisance which may be abated in accordance with the provisions of this chapter.
- (c) This section does not apply to vehicles parked or stored on public property by the town or by any of its departments.

Section 73 - Wrecked motor vehicles.

- (a) For the purpose of this article, "wrecked vehicle" shall mean any motor vehicle which does not have lawfully affixed thereto both an unexpired license plate and a current motor vehicle safety inspection certificate, and the condition of which is wrecked, dismantled, partially dismantled, incapable of operation by its own power on a public street, or from which the wheels, engine, transmission or any substantial part thereof has been removed.
- (b) The presence of any wrecked vehicle, or parts thereof, on public property is hereby declared to be a public nuisance which may be abated in accordance with the provisions of this chapter.

Section 73.1. - Parking and storage regulated.

No person shall park, store, leave or permit the parking, storing or leaving of any subject item of any kind, which is wrecked or inoperable, whether attended or not, upon any private property within the town, except that, with respect to an inoperable motor vehicle, such vehicle may be parked, stored or left on such property not to exceed forty-eight (48) hours, after which time such inoperable motor vehicle shall constitute a nuisance subject to removal after three (3) days following proper notices provided in section 75.

The presence of such subject items on private property is hereby declared a public nuisance which may be abated in accordance with the provisions of this chapter.

Section 74 - Exceptions.

- (a) The provisions of sections 72 and 73 shall not apply to:
 - (1) Any subject item parked or stored within a building or enclosed garage on private property.
 - (2) Any subject item held in connection with a business enterprise lawfully licensed by the town for the servicing and repair of subject items and properly operated in an appropriate business zone pursuant to the zoning ordinances of the town.
 - (3) Any subject vehicle within a carport that is being actively repaired on at least a weekly basis. Subject vehicle and its parts when not being repaired shall be neatly covered with an opaque cover.
- (b) A subject vehicle which is not inoperable or wrecked, except for not having a current license or safety inspection may be stored in a covered carport.

Section 75 - Notice of compliance.

- (a) Whenever it comes to the attention of the police department, the fire department or the office of code enforcement that any nuisance as described in section 72 appears to exist on public property, such department or office shall cause a written notice to be affixed to the subject item, declaring the existence of the nuisance and ordering whoever has interest in the subject item to comply with this article by removing the subject item within forty-eight (48) hours of receipt of the notice.

Whenever it comes to the attention of the police department, the fire department or the office of code enforcement that any nuisance as described in section 73 appears to exist on private property or utility rights-of-way or on public property, such department or office shall cause a written notice to be affixed to the subject item, declaring the existence of the nuisance and ordering whoever has an interest in the subject item to comply with this article by removing the subject item within forty-eight (48) hours of receipt of the notice.

Additionally, if such nuisance is found to exist on private property, in addition to the foregoing notice, a copy of such notice shall be delivered to the owner or occupant of the property. If a copy of the notice cannot be delivered to such owner or occupant, a copy of the notice shall be left at the property, with a duplicate copy sent to the owner or occupant of the property by certified mail, return receipt requested.

- (b) The notice described in subsection (a) shall contain the request for removal within the time specified in this section; and the notice shall advise that upon failure to comply with the notice of removal, the police department, the fire department or the office of code enforcement shall undertake such removal, with the cost of removal to be levied against the owner of the subject item.

The notice shall also advise the person to whom the notices are applicable of his right to contest the determination of the police department, the fire department or the office of code enforcement that a violation under this article exists by requesting a hearing before the town's administrative hearing officer, and that, if such a hearing is desired, the request can be made by filing a written request with the director of code enforcement. A request for hearing must be made within the time for removal set forth in this section.

Section 76 - Hearing.

Upon receiving a request for hearing pursuant to section 75, the director of code enforcement shall set the hearing before its next regular meeting environmental court hearing. Notice of the hearing shall be given to the person requesting the hearing and to the citing department or office. No other notices are required. A request for a hearing under this section stays all enforcement proceedings until an order of the town's administrative hearing officer is entered.

Section 77 - Reserved.

Section 78 - Issuance of order by administrative hearing officer.

After a hearing, the town's administrative hearing officer shall issue a written order, either finding the existence of a nuisance or finding that a nuisance does not exist. It shall state in its order the findings of fact on which it based its decision.

Section 79 - Removal of subject item.

- (a) Within the time for removal set forth in the notice for removal, or within forty-eight (48) hours of the date on which an order is entered by the administrative hearing officer affirming the determination of the citing department or office, the owner of the abandoned, wrecked or inoperable subject item and the owner or occupant of the private property on which the subject item is located, either of or both of them, shall cause the removal of the subject item.
- (b) If the violation is not remedied within the time set forth in the notice, the police department or the office of code enforcement shall have the right to take possession of the subject item and remove it from the premises.
- (c) In the event of removal and disposition of the subject item, the owner of the subject item shall be liable for the expenses incurred in so doing.

Section 80 - Notice of possession.

The police department or the office of code enforcement, after taking possession of subject item pursuant to this article, shall furnish notice in accordance with this section by certified mail, return receipt requested, to the registered owner of subject item at his last known address within fifteen (15) days of the date on which possession of subject item is taken, with a copy of the notice to the owner or occupant of the property from which subject item is taken.

Section 81 - Exceptions to prior notice requirement; grounds.

The requirement that notice be affixed to an abandoned or inoperable vehicle at least forty-eight (48) hours prior to removal may, as determined by the police department or the office of code enforcement, be omitted in those circumstances where there is a special need for prompt action to eliminate traffic obstructions or to otherwise maintain and protect the public safety and welfare. Such findings shall, in all cases, be entered by the police department or the office of code enforcement in the appropriate records. Circumstances justifying the removal of vehicles without prior notice include:

- (a) Vehicles abandoned on the streets. For vehicles left on the public streets and highways, such circumstances include that immediate removal of such vehicles may be warranted when they are:
 - (1) Obstructing traffic.
- (b) Other abandoned or inoperable vehicles. With respect to abandoned or inoperable vehicles left on town-owned property other than the streets and highways, and on private property, such vehicles may be removed without giving prior notice only in those circumstances where the police department or the office of code enforcement finds a special need for prompt action to protect and maintain the public health, safety and welfare. By way of illustration but not limitation, such circumstances include vehicles blocking or obstructing ingress or egress to businesses and residences, vehicles parked in such a location or manner as to pose a traffic hazard, and vehicles causing damage to public or private property.

Sections 82—85 - Reserved.

ARTICLE VII. - WEEDS AND NOXIOUS GROWTH

Section 86 - Prohibited; duty to remove.

The owner of any lot, place or area within the limits of the town shall cut and destroy all weeds or grass or deleterious or unhealthful growth, or other obnoxious matter, growing, lying or being in or upon any sidewalk or upon any lot, place or area within the town, and remove such weeds, grass, growth or matter from his premises. Such cutting and removal shall be done as often as necessary in order to ensure that such lots, places or areas do not constitute a hazard to the health of the citizens of the community, but in no event less than twice each month between April 1, and October 1 of each year.

Section 87 - Notice to owner, failure to comply.

In the event any owner of any lot, place or area within the limits of the town fails to cut, destroy and remove such weeds, grass or other unhealthful growth or obnoxious matter in the manner required by this article, the town shall cut, destroy and/or remove the same and the town shall charge the costs, charges or expenses incurred in the cutting, destruction or removal of such noxious weeds, grass or other growth as set forth in a schedule of costs adopted by the town council.

No such work shall be undertaken by the town until the owner of the lot, place or area, where the weeds or growth are to be removed, as shown on the last assessment roll of the town, has an opportunity of doing the work himself with at least five (5) days after notice has been given him by advertisement in the official journal of the town for two (2) consecutive days or after notice has been given him by certified mail, addressed in accordance with the tax rolls of the town.

Section 88 - Mailing statement showing expense incurred; addition to tax liability.

If, after the cutting, destruction or removal of weeds, grass or growths by the town, after due notice as provided in this article, the cost or expense thereof has not been paid within ten (10) days, the director of administration shall furnish the owner, as shown on the last assessment roll of the town, by registered mail a written statement showing the cost or expense incurred for the work, and the place or property on which the work was done. If said statement is not paid within one month thereafter, the amount thereof 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.

Section 89 - Penalties.

- (a) The Sterlington police department and the office of code enforcement shall have the authority to enforce the ordinances in this chapter, including the authority to issue summons and/or a notice to appear in environmental court for violations of such ordinances. The administrative hearing officer(s) for the Town of Sterlington environmental court shall have jurisdiction to hear cases relative to such violations and to impose penalties for such violations in accordance with applicable ordinances.
- (b) The offender shall be cited for the offense by means of summons and/or a notice to appear in environmental court as provided by ordinance.
- (c) Reserved.

- (d) Whoever violates the provisions of this chapter shall be subject to the penalties provided in this section and in chapter 24:
- (1) Upon first conviction be ordered to bring the property into compliance with town ordinances.
 - (2) Upon second conviction be ordered to bring the property into compliance and be sentenced to thirty (30) hours of community service.
 - (3) Upon third or subsequent conviction be ordered to serve fifty (50) hours of community service or in a work detail, as approved by the court, or any combination of the aforementioned penalties.
- (e) The court may require an individual convicted of a violation of this article to remove the weeds, grass, or other noxious matters which have accumulated on his property in disregard of the health and safety of others in lieu of or in addition to the penalties prescribed in this section and chapter 24.

Section 90 - Grass and weed cutting; abutting owner's liability; notice; waiver of notice.

- (a) Property shall be maintained in a safe and sanitary condition, including ordinances providing for the cutting, destruction, or removal of noxious weeds or grass or other deleterious, unhealthful, or noxious matters on any sidewalks or banquettes and on any lot, place, or area within the town. The charges, costs, and expenses incurred by the town in enforcing such ordinances, shall, to the extent of the actual cost thereof be a charge, cost, or expense of the property abutting the sidewalk or banquette or of the lot, place, or area, and the owner thereof.
- (b) If an owner of property fails to cut, destroy, or remove such grass or other matter from his property or from any abutting sidewalk or banquette, the town shall notify the property owner of its intent to perform such work after five (5) days and to charge the property owner for the work. Such notice may be given by advertisement in the official journal of the town for two (2) consecutive days, by certified mail, addressed in accordance with the tax rolls of the town, or served on the property owner, by domiciliary or personal service, by a representative of the town.
- (c) The town may undertake the cutting, destruction, or removal of noxious weeds or grass or other deleterious, unhealthful, or noxious matters on any property within its jurisdiction on a monthly basis without the notice required in subsection (b) of this section if the property owner liable has been notified pursuant to said subsection at any time during the immediately preceding twelve (12) months and has failed to do the work himself after opportunity to do so. However, prior to undertaking such work, the town shall file and record an affidavit, signed by the mayor or his designee, at the 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 its unsafe or unsanitary conditions and to justify the necessity for cutting, destroying, or removing weeds, grass, or other noxious matters.

- (3) A statement that the property owner liable has within the past twelve (12) months failed to do such work after notification and opportunity to do so pursuant to subsection (b) of this section.
- (d) Once the town has undertaken such actions, pursuant to subsection (a) of this section, it shall have the bill for the work delivered by registered mail, addressed in accordance with the tax rolls of the municipality, or served on the property owner, by domiciliary or personal service, by a representative of the town.
- (e) Upon failure of the property owner to pay the charges within thirty (30) days of receipt of the bill, the town may file a certified copy of said charges with the recorder of mortgages, and the same, when so filed and recorded, shall operate as a lien and privilege in favor of the town against the property on which the work was done or against the property abutting the sidewalk or banquette 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 in R.S. 9:4821(1).

ARTICLE VIII – REPEAL

Section 91 – Any other provisions to the contrary of any provisions of this section shall be repealed and replaced by the provisions of these Chapters, however, any lien, fine, or costs previously assessed under the now repealed provisions shall still be enforced and valid until satisfied.

The above Ordinance was read and considered by Sections at a public meeting of the Mayor, Fiscal Administrator, and Board of Aldermen, in regular and legal session convened, voted on by yea and nay vote, passed and adopted this 13th day of October , 2020, with the final vote being as follows:

YEA: Z. Howse, M. Talbert, B. McCarthy, R. Hill.

NAY: None.

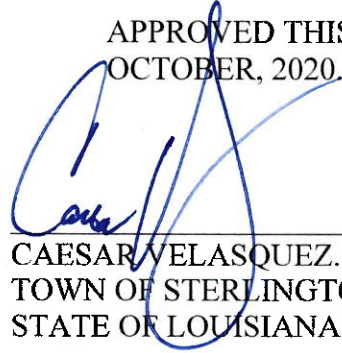
NOT VOTING: None.

ABSENT: T. Vocker.

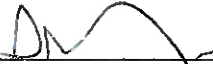
APPROVED THIS 13th DAY OF
OCTOBER, 2020.



MARILYN DILMORE, CITY CLERK
TOWN OF STERLINGTON
STATE OF LOUISIANA



CAESAR VELASQUEZ, MAYOR
TOWN OF STERLINGTON
STATE OF LOUISIANA



I.M. SHELTON, FISCAL ADMINISTRATOR
TOWN OF STERLINGTON
STATE OF LOUISIANA