

1 The following Ordinance was proposed by Councilman Asbill and seconded by Councilman  
2 \_\_\_\_\_.

3 **PROPOSED ORDINANCE NO. 2019 - 31**

4 An Ordinance amending the Harahan Code of Ordinances by the addition of  
5 Chapter 19 - Harahan Regulatory Court and related regulations and by-laws.

6 NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of  
7 Harahan, State of Louisiana, acting as governing authority of said City that:

8 SECTION 1. The Harahan Code of Ordinances is hereby amended to remove  
9 Appendix A, Section XXIII. Section XXIV “Enforcement, violation and penalty” of the  
10 Harahan Code of Ordinances shall be redesignated as Section XXIII. Section XXV  
11 “Validity, effective date and repeal of conflicting ordinances” shall be redesignated as  
12 Section XXIV.

13 SECTION 2. The Harahan Code of Ordinances is hereby amended by the addition  
14 of Chapter 19 - Harahan Regulatory Court to read as follows:

15 Chapter 19—Harahan Regulatory Court

16 Sec. 19-1 Jurisdiction

17 The Harahan Regulatory Court as established by this section has jurisdiction over all  
18 regulatory proceedings for the enforcement of ordinances involving public health, safety,  
19 housing, fire code, licensing and permits, and any other ordinances as authorized by the  
20 Harahan City Council. This includes administrative adjudication of violations of the following  
21 Chapters of the Harahan Code of Ordinances:

22 Chapter 14 – Building & Building Regulations

23 Chapter 30 – Environment

24 Chapter 42 – Health & Sanitation

25 Chapter 54 – Noise Control

26 Chapter 58 – Nuisances

27 Chapter 74 – Signs

28 Chapter 78 – Solid Waste

29 Appendix A – Zoning

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31 Sec. 19-2 Hearing Officer

32 A hearing officer shall preside over all proceedings before the Harahan Regulatory Court.

33 (a) Qualifications

34 The hearing officer shall be an attorney licensed to practice law in the State of  
35 Louisiana for a minimum of five (5) years and in good standing with the Louisiana  
36 Supreme Court. The hearing officer shall be sworn before the city attorney to uphold  
37 the United States Constitution, the laws and constitution of the State of Louisiana, the  
38 ordinances of the City of Harahan, and to abide by the provisions of the Louisiana  
39 Code of Governmental Ethics.

40 (b) Appointment and Removal

41 The hearing officer shall be appointed by the Mayor of the City of Harahan and  
42 approved by the Harahan City Council. The Mayor of the City of Harahan shall have  
43 the power and authority to remove any hearing officer appointed in accordance with  
44 this Section.

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46 (c) Power and Duties

47 The hearing officer shall hear and decide all matters that are before the Harahan  
48 Regulatory Court in accordance with Section 1 of this Chapter. The hearing officer  
49 shall have the power and authority to do the following:

- 50 (1) Administer oaths and affirmations;
- 51 (2) Issue orders compelling the attendance of witnesses and parties;
- 52 (3) Issue orders compelling the production of documents;
- 53 (4) Levy fees, costs, and monetary penalties;
- 54 (5) Order violators to correct violations within a stipulated time;
- 55 (6) Order all necessary and lawful measures to effect corrections of the violation if  
56 the violator fails to do so within the time allocated by the hearing officer;
- 57 (7) Issue orders, judgments, and notices of judgments;
- 58 (8) Order the recordation of any orders, judgments, notices of judgments, and liens  
59 in the mortgage records of Jefferson Parish;
- 60 (9) Suspend all or a portion of a judgment and make any suspension contingent on  
61 the fulfillment of some reasonable condition.

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63 Sec. 19-3 Enforcement Proceedings

64 Enforcement proceedings for violation of an ordinance shall be initiated by the Regulatory  
65 Director upon providing notice of the alleged violation.

66 (a) Notice of Violation

67 Prior to any administrative hearing before the Regulatory Court, the alleged violator  
68 shall be notified at least fifteen (15) days before the hearing date. Notice of the violation  
69 shall be personally served or sent to the alleged violator by regular and certified U.S.  
70 Mail to the address listed in the Jefferson Parish Assessor's office. The date of personal  
71 service or the date of the postmark shall be the date of notice. In addition, a copy of  
72 the notification shall be affixed in a prominent location on the property at least fifteen  
73 (15) days before the hearing date. A notice of violation shall:

- 74 (1) Be in writing;
- 75 (2) Provide the municipal address of the cited property or the name of the  
76 alleged violator;
- 77 (3) Provide the date of the violation;
- 78 (4) Provide a description of the alleged violation(s) with reference to the  
79 relevant ordinances that have been violated;
- 80 (5) Provide the mailing address and telephone number of the enforcement  
81 agency;
- 82 (6) Provide the date, time, and location of the administrative hearing whereby  
83 the alleged code violation(s) shall be adjudicated;
- 84 (7) Provide notice that the failure to appear at the hearing shall be considered  
85 an admission of liability for the alleged violation(s);
- 86 (8) Provide notice that fees, penalties, costs, and liens may be imposed for  
87 continued violation(s); and
- 88 (9) Provide notice that the risk of remedial measures may be ordered by a  
89 hearing officer to correct or abate code violation(s) at the alleged violator's  
90 expense.

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93 (b) Procedure for Adjudicating Code Violations

94 (1) Record of Proceedings  
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96 Every adjudication proceeding shall be assigned a docket number and a style  
97 in the form of "City of Harahan versus" followed by the name of the alleged  
98 violator. The records pertaining to each proceeding shall be maintained as a  
99 separate file by the regulatory clerk. The file shall contain a log or index of all  
100 adjudication proceedings, which shall include:  
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- 102 i. The docket number and the date enforcement proceedings commenced;
- 103 ii. The alleged code violation(s);
- 104 iii. The date of the alleged violation(s);
- 105 iv. The address or legal description of the property upon which the alleged  
106 violation(s) exist or occurred;
- 107 v. The date(s) of any administrative hearings, continuances, and actions of  
108 the Regulatory Court;
- 109 vi. The date of termination of the proceedings and the final disposition,  
110 including whether and when any lien was filed;
- 111 vii. The date of filing and disposition of any appeal.

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113 (2) Proceedings  
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115 Hearings shall be held on the first Thursday of every month. When the first  
116 Thursday of the month falls on a legal holiday, the proceedings shall be held  
117 on the next Thursday following the legal holiday. The hearing officer shall  
118 commence the proceedings. The person charged with the violation(s) may  
119 present any relevant evidence and testimony at the hearing and may be  
120 represented by an attorney at law. Testimony of any person shall be taken under  
121 oath.

122 (c) Judgment

123 The hearing officer shall issue a final judgment within thirty (30) days of the hearing.  
124 Notice of the judgment and a copy of the judgment may be personally served and shall  
125 be sent to the violator by regular and certified U.S. Mail within fifteen (15) days of  
126 issuance. The judgment shall:

- 127 (1) Be signed by the hearing officer;
- 128 (2) State whether the alleged violator is guilty for each of the violation(s) and  
129 may include specific findings of the hearing officer;
- 130 (3) State the amount of fees, costs, and penalties assessed for each violation;
- 131 (4) State the violations(s) that must be corrected and the extent by which the  
132 violation(s) shall be corrected, repaired, or abated;
- 133 (5) Provide a reasonable period of time to correct, repair, or abate the  
134 violation(s);
- 135 (6) Notify the violator(s) of the right to appeal the judgment; and
- 136 (7) Notify the violator that the city may act to abate violation(s) if the violator  
137 fails to act in accordance with the judgment where applicable.

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143 **Sec. 19-4 Penalties, Costs, and Liens**

144 **Penalties, costs, and liens may be assessed against the alleged violator(s) in accordance with**  
145 **the provisions of this Section.**

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147 **(a) Penalties**

148 **The penalties for each violation shall not exceed \$500.00 exclusive of costs. The**  
149 **assessment of penalties shall be at the discretion of the hearing officer. Each day that**  
150 **violation(s) continue after due notice has been served shall be deemed a separate**  
151 **offense. A schedule of penalties may be established by ordinance providing penalties**  
152 **for specific code violation(s).**

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154 **(b) Costs**

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156 **In addition to penalties, costs and expenses may be assessed against a violator under**  
157 **this Section, including:**

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159 **(1) The city's direct cost for investigation, enforcement, remediation, or**  
160 **abatement of a violation;**  
161 **(2) Costs of salary and all applicable overhead of city staff and contract personnel**  
162 **involved in the investigation, enforcement, remediation, or abatement of a**  
163 **violation;**  
164 **(3) The costs incurred by the city for equipment use or rental in the investigation,**  
165 **enforcement, remediation, or abatement of a violation;**  
166 **(4) Attorney fees;**  
167 **(5) Hearing and other court costs, including hearing officer and witness fees;**  
168 **(6) The costs of engineering and other technical services and studies that may be**  
169 **required to investigate, enforce, remediate, or abate a violation;**  
170 **(7) The costs of any monitoring programs necessary for investigating, monitoring,**  
171 **abating, enforcing, remediating, or mitigating violations;**  
172 **(8) Any other fees, costs, or expenses reasonably related to the city's enforcement**  
173 **action(s) to bring violations into compliance or to abate or correct a violation**  
174 **of local, state, or federal law.**

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176 **(c) Liens**

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178 **The City of Harahan shall have a lien and privilege against the immovable property**  
179 **in, on, or upon which violation(s) occurred. The lien and privilege shall secure all**  
180 **penalties, fees, and costs that are assessed by the city and described in the final**  
181 **judgment of the hearing officer. The recordation of the judgment in the mortgage**  
182 **records of Jefferson Parish shall constitute a lien and privilege against the land upon**  
183 **which the violation(s) exists. Any lien and privilege recorded against immovable**  
184 **property under this Section shall be included in the following annual ad valorem tax**  
185 **bill.**

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187 **Sec. 19-5 Appeals**

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189 **The alleged violator may appeal the determination of the hearing officer to the 24<sup>th</sup> Judicial**  
190 **District Court for Jefferson Parish. The appeal shall be filed within thirty (30) days of the**  
191 **mailing of the hearing officer's judgment. The timely filing of an appeal in the First Parish**  
192 **Court for Jefferson Parish shall suspend the execution of the judgment issued by the hearing**  
193 **officer.**

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199           **SECTION 3.** If any provision of this ordinance is held to be invalid or otherwise  
200 unenforceable by the final judgment of a court of competent jurisdiction, such invalidity  
201 shall not affect the validity of any of the remaining provisions of this ordinance that may be  
202 given effect without the invalid provision; and to this end, the provisions of this ordinance  
203 are hereby declared to be severable.

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205           **SECTION 4.** All ordinances or parts thereof of the City or Harahan in conflict with  
206 this ordinance are hereby repealed.

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208           The ordinance having been considered by section and as a whole, a vote was taken  
209 and the vote was as follows:

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211                   **YEAS:**  
212                   **NAYS:**  
213                   **ABSENT:**  
214                   **ABSTENTION:**

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216           This Ordinance was declared adopted on this \_\_\_\_\_ day of \_\_\_\_\_, 2019  
217 to become effective immediately upon signature of the Mayor or upon expiration of  
218 the time period without the signature of the Mayor.

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220  
221 \_\_\_\_\_  
222 **TIMOTHY BAUDIER**  
223 Mayor

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221 \_\_\_\_\_  
222 **NICOLE LEE**  
223 City Clerk

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