

1 The following Ordinance was proposed by Councilman Asbill and seconded by  
2 Councilman Wheeler;

3  
4 **PROPOSED ORDINANCE NO. 2019- 20**

5  
6 An ordinance to amend the City of Harahan Code of Ordinances to provide for the  
7 protection and promotion of the public health, safety and welfare by regulating and  
8 eliminating those nuisances which have a negative impact upon the quality of life, safety  
9 and health of the neighborhoods where they are located.

10  
11 WHEREAS, the City of Harahan desires to revise its nuisance property to be more  
12 comprehensive in nature, and;

13  
14 WHEREAS, property owners and residents of this City are required to maintain their  
15 property so as to not interfere with the City's role to promote the general health, safety and  
16 welfare of the City to protect from negative impact upon the quality of life, safety and health  
17 of citizens and visitors of the City.

18  
19 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Harahan  
20 that:

21  
22 SECTION 1. Chapter 58 "Nuisances" of the Harahan Code of Ordinances is hereby  
23 amended to read as follows:

24  
25 Chapter 58 – NUISANCES

26 ARTICLE I. - IN GENERAL

27 Sec. 58-1. - Purpose and scope.

28 The purpose of this chapter is to provide for the protection and promotion of the public  
29 health, safety and welfare by regulating and eliminating those nuisances which have a  
30 negative impact upon the quality of life, safety and health of the neighborhoods where they  
31 are located. This chapter is enacted to also prevent the spread of disease; to limit and  
32 prevent the harborage of insects, rodents, and other vermin; to limit and prevent  
33 accumulations of filth, sewage, garbage, refuse, debris; to limit and prevent depreciation of  
34 property values and disturbance of another's peaceful possession of his property due to a  
35 person's actions or property constituting a violation of the conditions of this chapter. The  
36 foregoing also includes but is not limited to the regulation of property that is blighted as  
37 blight causes deterioration and instability in neighborhoods and has an adverse impact on  
38 neighboring properties. Further, vacant, unsecured and/or boarded structures are a major  
39 cause and source of blight as such unkempt structures and long-term vacancies discourage  
40 economic development, retard appreciation of property values and decrease the quality of  
41 life.

42 Sec. 58-2. - Definitions.

43 For the purposes of this chapter, the following terms, phrases, words and derivations  
44 shall have the meaning given herein, unless it is apparent from the context that a different  
45 meaning is intended:

- 46 (1) *Attractive nuisance.* The term "attractive nuisance" refers to a potentially harmful  
47 thing which is inviting or otherwise lures a person, no matter the age of the person,  
48 into or onto a thing to investigate, play in or otherwise enter without permission or  
49 utilizes.
- 50 (2) *Blight.* The term "blight" refers to commercial or residential property, including  
51 structures whether movable or immovable and lots, in a deleterious condition,  
52 uninhabitable, overgrown with vegetation, has an accumulation of junk or debris or  
53 otherwise unfit for human habitation or use and/or not in compliance with code.  
54 Blight also refers to conditions that impair growth or prosperity.

- 55 (3) *Boarded.* The term "boarded" shall mean a structure whose doors and windows  
56 have been covered with plywood or other material for the purpose of preventing  
57 entry into the structure by persons or animals.
- 58 (4) *Compliance.* The term "compliance" refers to the removal of a proprietary party  
59 from a city contractor list due to his/her maintenance of his/her property for a  
60 period of not less than three consecutive months.
- 61 (5) *Nuisance.* The term nuisance means any activity, condition or use of a premises  
62 which is detrimental to or endangers public safety, health or welfare; produces such  
63 material annoyance, inconvenience, discomfort so as to interfere with or disturb  
64 another in the peaceful possession of his property or cause injury to the right of  
65 another or of the public; is detrimental to the property of others or which causes or  
66 tends to cause substantial diminution in the value of other property in the vicinity  
67 or neighborhood in which such premises is located; is in violation of any zoning  
68 ordinance or regulation; and/or any prohibited activity or condition declared to be  
69 a nuisance in these ordinances.
- 70 (6) *Open excavation.* The term "open excavation" as used in this chapter shall  
71 include any item not included in the definition of swimming pool and shall include  
72 but not be limited to a burrow pit, pond, construction site, any uncovered cutting in  
73 the earth whether naturally forming or man-made and is not used for recreational  
74 bathing or enjoyment, or other area in which water may accumulate. "Open  
75 excavation" shall not include any excavation existing at the time of passage of this  
76 ordinance, and which is used for commercial purposes and conforms with the use  
77 regulations of the zoning district in which the excavation site is located, nor shall it  
78 include any excavation which is part of a city-approved stormwater management  
79 plan.
- 80 (7) *Maintenance of a nuisance.* The term "maintenance of a nuisance" means to  
81 conduct, carry on, keep or permit to exist on one's premises any prohibited activity  
82 or condition as defined in this chapter or any nuisance; failure to abate a nuisance  
83 or prohibited activity or condition shall be considered as maintenance of a  
84 nuisance.
- 85 (8) *Prohibited activity or condition.* The term "prohibited activity or condition"  
86 means any activity or conduct as now or hereafter declared to be a nuisance or  
87 otherwise prohibited under the laws of the city or state, including, but not limited  
88 to, sections of this chapter.
- 89 (9) *Property maintenance violation.* The term "property maintenance violation" shall  
90 refer to the act of keeping buildings, premises, structures and equipment in a  
91 proper condition so as to prevent their decline or failure and in accordance with  
92 standards of cleanliness, sanitation, stability and safety and shall include but not be  
93 limited to maintenance of exterior weather protective coatings, soffit, fascia and  
94 gutters and other minor building conditions, vegetation, and trash and debris as  
95 required in this Code.
- 96 (10) *Proprietary party.* The term "proprietary party" means an owner, person with  
97 ownership interest, lessee, sublessee, tenant or occupant of any premises.
- 98 (11) *Property.* The term "property" means any lot, tract or parcel of land, and/or any  
99 portion of ground or other immovable property, whether occupied or vacant, which  
100 is situated within the incorporated areas of the city; for the purposes of this chapter,  
101 the term shall also include the area abutting said property including but not limited  
102 to, sidewalks as defined in section 1-2, and other servitudes
- 103 (12) *Premises.* The term "premises" means any building, structure, property,  
104 watercraft or movable owned or occupied by any proprietary party or representative  
105 thereof.
- 106 (13) *Repeat offender.* The term "repeat offender" can include, but is not limited to,  
107 (a) the owner, tenant or representative of any property issued a third notice for the  
108 same violation but had previously corrected said violation timely within a  
109 consecutive twelve-month period; (b) the owner, tenant or representative of a  
110 property that has been previously found in violation by a trier of fact; and/or (c) any  
111 owner, tenant or representative of a property placed on any city contractor list for  
112 remedial action.

- 113 (14) *Representative.* The term "representative" means an officer, agent, employee or  
114 other representative of a proprietary party.
- 115 (15) *Structure.* The term "structure" shall include a building, house or other items  
116 such as signs and canopies which are man-made and protrude above lot grade.
- 117 (16) *Swimming pool.* The term "swimming pool" as used in this chapter, refers to  
118 any body of water used for swimming or other recreational bathing such as a hot  
119 tub, spa or other manmade structure designed to hold water for recreational  
120 purposes, which is of artificial or semi-artificial construction including all  
121 appurtenances relative to its use. The term as used in this chapter shall in no way  
122 change or otherwise affect the interpretation of any terms or definitions found in  
123 the Standard Swimming Pool Code Edition.

124 Sec. 58-3. - Maintenance of a nuisance prohibited.

125 Maintenance of a nuisance or other prohibited activity or condition in or upon any  
126 premises by a proprietary party, his representative or any person acting in concert with him  
127 or them is hereby prohibited and declared to be unlawful.

128 Sec. 58-4. - Miscellaneous.

- 129 (a) Contractors shall not undertake any residential home improvement construction  
130 project without first obtaining permit(s) and/or making filings required for the project  
131 or without first ascertaining that the homeowner has obtained the construction permit  
132 required for the project, nor shall any such contractor violate the terms or restrictions of  
133 any such permit. The violator shall be subject to a fine of two hundred fifty dollars  
134 (\$250.00) for a first or second violation of the terms of this section and a fine of five  
135 hundred dollars (\$500.00) for a third or subsequent violation of the terms of this section,  
136 and no new permits shall be issued for any home improvement construction project in  
137 which the violator would participate until said fines are paid. For a fourth or subsequent  
138 violation of the provisions of this section, the violator shall be subject to the revocation  
139 or suspension of its residential home improvement contractor license as provided for in  
140 this Code Of Ordinances or a fine of five hundred dollars (\$500.00) per violation. Fines  
141 issued under this provision may be added to any other fines which are assessed by city  
142 codes including investigation fees.
- 143 (b) Any owner or agent who has complied with the requirement of obtaining a building or  
144 repair permit when required by code shall begin work on the project immediately upon  
145 obtaining such permit and will, in good faith, continue to work and progress on the  
146 property. Any owner or agent who obtains a permit and fails to progress on the project  
147 for a period of more than five (5) days shall be in violation of this code and a stop work  
148 order may be issued, a revocation of the permit for failure to use the permit as intended  
149 and/or be subject to penalties as provided in this Code of Ordinances .
- 150 (c) Any person found to be in violation of this chapter by a court of competent jurisdiction  
151 and cited thereafter for a violation herein shall be deemed a repeat offender and shall be  
152 fined a maximum of five hundred dollars (\$500.00) per each separate violation along  
153 with any other fines or fees per section 1-10 and be subject to the city contractor  
154 remediating the violation at the cost of the owner or representative.
- 155 (d) Failure to comply with this section shall constitute a nuisance.

156 Secs. 58-5—58-7. - Reserved.

157 ARTICLE II. - RAILROAD RIGHTS-OF-WAY

158 Sec. 58-8. - Unlawful growth and accumulation of weeds, trash, etc.

159 It shall be unlawful for the owner of any railroad right-of-way within the limits of the  
160 city, or his agent, to permit the growth of grass or weeds upon such property at a height of  
161 more than eight (8) inches, or to permit deleterious or unhealthful growths or trash, debris,  
162 refuse or discarded or noxious matter within a radius of three hundred (300) feet from a  
163 building.

164 Sec. 58-9. - Notification to owner of violation; procedure.

165 The regulatory department shall notify the owner, or his agent, of any railroad right-of-  
166 way on which grass, weeds, trash, debris, refuse or other noxious matter may be located in

167 violation of this chapter, by certified mail or delivery confirmation, to cut, destroy or remove  
168 such weeds, grass, or deleterious, unhealthful growths, trash, debris, refuse, discarded or  
169 noxious matter from the premises involved, which notice shall be sent to the owner of such  
170 railroad right-of-way or his agent and shall state the estimated cost of the work which must  
171 be done to accomplish the cutting, destruction or removal of such matter, giving the owner  
172 or his agent fifteen (15) days to perform the necessary work at his own expense. Said notice  
173 shall be sent once every calendar year.

174 Sec. 58-10. - Failure to abate; special assessment for work performed by city.

175 If the required work is not done within fifteen (15) days after receipt of such written  
176 notice by the owner of the railroad right-of-way, or his agent, or within fifteen (15) days after  
177 the date of such notice if the notice should be returned to the city by the post office  
178 department because of its inability to make delivery thereof, the city may proceed to have  
179 the necessary work done either by its own employees or by an independent contractor, and  
180 may then proceed to adopt an ordinance levying a local or special assessment against the  
181 railroad right-of-way involved for the actual cost of such work, plus accrued interest at the  
182 rate of eight (8) percent per annum from the date of completion of the work.

183 Sec. 58-11. - Special assessment to function as lien of primary nature.

184 A certified copy of the local or special assessment ordinance shall be filed with the city  
185 clerk, who shall forthwith record same in the mortgage records of the parish. Such  
186 ordinance, when so filed and recorded, shall operate as a lien and privilege against the  
187 railroad right-of-way involved, which lien and privilege shall rank from the date of filing of  
188 the ordinance in the mortgage records of the parish and shall prime all other claims,  
189 mortgages and liens, except taxes and prior recorded special assessment liens.

190 Sec. 58-12. - Failure of owner to pay assessment; council to collect costs, interest and fees.

191 If the owner of the railroad right-of-way fails to pay the amount due under the local or  
192 special assessment ordinance within thirty (30) days from the date of publication of such  
193 ordinance after its final adoption, the council may authorize an action either in rem against  
194 the immovable property or in personam against the owner, or both, for the collection of the  
195 total amount due, including interest, plus an additional sum equivalent to twenty-five (25)  
196 percent of the principal and interest due as attorney's fees.

197 Sec. 58-13. - Time limit imposed upon persons questioning action by council.

198 No contest, action or proceeding to question the validity or legality of any resolution,  
199 ordinance, notice or other proceeding adopted or published in accordance with the  
200 foregoing shall be begun in any court by any person for any cause whatsoever after the  
201 expiration of thirty (30) days from the date when the resolution, ordinance, notice or  
202 proceeding was adopted or published and thereafter the legality and validity of such  
203 resolution, ordinance, notice or proceeding shall be conclusively presumed and no court  
204 shall thereafter have authority to inquire into such matter.

205 Secs. 58-14—58-15. - Reserved.

### 206 ARTICLE III. - TRASH, VEGETATION AND PROPERTY MAINTENANCE

207 Sec. 58-16. - Trash, debris, junk, refuse, abandoned property prohibited on public and  
208 private property.

209 (a) It shall be unlawful for any person or proprietary party to maintain, permit or allow the  
210 accumulation, collection on his premises or the keeping, depositing on or scatter over  
211 or upon his premises or within his vehicle including but not limited to the following:  
212 Trash, debris, refuse, junk, abandoned, discarded or unused objects, equipment,  
213 machinery, or parts thereof, including, but not limited to, furniture, stoves, refrigerators,  
214 freezers, air conditioners, vehicles, parts of vehicles, trailers, boats, campers, haulers,  
215 cans, containers, metal, building materials or other discarded, abandoned or noxious  
216 matter; and, the same is hereby declared to be a nuisance.

217 (b) The unenclosed or unsheltered storage or keeping of any old, stripped, wrecked,  
218 partially dismantled or otherwise non-operating vehicles, machinery, implements,  
219 equipment, building materials, or personal property of any kind, which is no longer in  
220 good operating condition or safely usable for the purposes for which it was

221 manufactured, or any vehicle without valid inspection tag(s) and/or valid license plate,  
222 on any premises by a proprietary party is hereby prohibited and declared to be a  
223 nuisance.

224 (c) It shall be unlawful for any person or proprietary party to display a vehicle, trailer,  
225 boat, camper or other item "for sale," "for rent," or other like display on private or  
226 public property as said vehicle is considered abandoned. Only vehicles operating on a  
227 daily basis may display such verbiage or items located on the proper zoned and used  
228 property, car dealership and/or used car lot; otherwise, said display is hereby prohibited  
229 and declared to be a nuisance.

230 Sec. 58-17. - Exceptions.

231 Provided the premises complies with all other applicable ordinances and regulations,  
232 the following situations shall be excluded from the application of the previous section:

233 (1) The provisions of section 58-16(b) shall not apply with regard to a vehicle,  
234 appliance or other personal machinery or equipment of a proprietary party provided  
235 such item is in good operating condition and if applicable, contains proper  
236 inspection tag(s) and/or license plate, and is either in an enclosed building, within  
237 the roofline of the structure or so located upon the premises as not to be readily  
238 visible from any public place or from any surrounding property.

239 (2) The provisions of section 58-16 shall not apply with regard to a licensed and  
240 properly operated junk yard; or with regard to any business operated in a lawful  
241 place, other than in or within three hundred (300) feet of a residential district or  
242 residential premises, and operated in a lawful manner when the keeping or  
243 maintenance of such items is necessary to the operation of such enterprise; or with  
244 regard to any appropriate storage place or depository maintained by the city, its  
245 departments or any other public agency or public entity.

246 Sec. 58-18. - Weeds, grass, other vegetation.

247 It shall be unlawful for any person or proprietary party to maintain, permit or allow on  
248 any premises, within one hundred fifty (150) feet of an existing building, the growth of grass  
249 or weeds, other than trees, shrubs, cultivated flowers, gardens, and any vegetation that is  
250 part of an approved stormwater management plan, to exceed a height of ten (10) inches or  
251 more, or to permit or allow on the premises the growth of any other deleterious or  
252 unhealthful vegetation; and, the same is hereby declared to be a nuisance. It shall be a  
253 violation if any growth of flowers, gardens or landscaping is uncontrolled or not regularly  
254 maintained.

255 Sec. 58-19. - Violations and penalties.

256 (a) Any person violating any provision of this chapter shall be guilty of a misdemeanor,  
257 and upon conviction shall be punished as provided in this Code of Ordinances.

258 (b) In addition to the penalties provided in paragraph (a), any person, proprietary party,  
259 his representative or any person acting in concert with him or them who maintains or  
260 fails to abate a nuisance or prohibited activity or condition may be enjoined as provided  
261 by law, including, but not limited to, the injunctive relief or order of abatement provided  
262 for in this chapter.

263 (c) The issuance of an injunction or order of abatement pursuant to this chapter may be  
264 petitioned for by the following:

265 (1) The City of Harahan, or any proper officer thereof or, their duly authorized  
266 representative;

267 (2) Any adjacent or neighboring property owner who is especially damaged by such  
268 violation; or

269 (3) Any ten (10) residents of the election precinct wherein the violation exists.

270 Sec. 58-20. - Injunctive relief; judicial order.

271 (a) Application for injunctive relief or judicial order of abatement afforded by this chapter  
272 shall be by petition to a city court of competent jurisdiction or the Twenty-Fourth  
273 Judicial District Court.

274 (b) A violation of the provisions of an injunction or judicial order of abatement issued in a  
275 cause instituted under the provisions of this chapter shall constitute a contempt of  
276 court. A person found guilty of such contempt shall be punished by a fine of not less  
277 than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or by  
278 imprisonment in the city jail for a period of not less than twenty-four (24) hours nor  
279 more than thirty (30) days or both fine and imprisonment. On conviction for a second or  
280 subsequent contempt the offender shall be punished by both fine and imprisonment,  
281 without benefit of probation or suspension of sentence.

282 Sec. 58-21. - Abatement by order of city.

283 (a) *Abatement by owner.* Upon notification of violation, as provided in this chapter, the  
284 proprietary party, his representative or any person acting in concert with him or them  
285 shall jointly or severally abate the nuisance and/or prohibited activity or condition by  
286 removing the offending matter or taking the corrective action to abate said nuisance  
287 and/or prohibited activity or condition within five (5) days of date on notification  
288 (which may be via U.S. First Class Mail or posting of the property) or as otherwise  
289 provided herein.

290 (b) (1) *Abatement of weeds by city.* Notwithstanding whether any injunctive or other  
291 judicial relief is petitioned for in accordance with the provisions of this chapter, and  
292 except for those, circumstances addressed in subsection (b)(2) herein, if the  
293 violation consists of weeds, grass or other vegetation on property and is not abated  
294 within five (5) days of date on notification (which may be via U.S. First Class Mail  
295 or posting of the property), with said notice only being required to be sent to the  
296 property owner once every calendar year, the City, through the Regulatory  
297 Department, is hereby authorized to cut, destroy and remove all such grass, weeds  
298 and other deleterious or unhealthy growths of vegetation on an as needed basis in  
299 accordance with this code, and the property owner, as shown on the latest property  
300 assessment rolls and/or conveyance records, shall be assessed a charge for the  
301 cutting, destruction and removal. If the costs to the city for the cutting, destruction  
302 and/or removal exceed the amount of one hundred dollars (\$100.00), the owner of  
303 the property shall be assessed the actual cost, plus a surcharge equal to one  
304 hundred (100) percent of the costs to cover inspection and administrative costs.

305 (2) *Emergency abatement of weeds by city.* Notwithstanding whether any injunctive  
306 or other judicial relief is petitioned for in accordance with the provisions of this  
307 chapter, if the violation consists of weeds, grass or other vegetation exceeding fifty-  
308 four (54) inches in height on property, except any vegetation that is part of an  
309 approved stormwater management plan, the city, through the Regulatory  
310 Department, shall post a violation notice on the property or otherwise attempt to  
311 notify the property owner. If the violation is not corrected within twenty-four (24)  
312 hours, the city is hereby authorized to immediately cut, destroy and remove all such  
313 grass, weeds and other deleterious or unhealthy growths of vegetation, and the  
314 property owner, as shown on the latest property assessment rolls and/or  
315 conveyance records, shall be assessed the same fee and surcharge as described in  
316 section 58-21(b)(1).

317 (i) Within fifteen (15) days of emergency abatement, a letter shall be mailed to  
318 the property owner shown on the latest property assessment rolls and/or  
319 conveyance records informing the property owner of the violation, of the  
320 emergency abatement, and of the opportunity to request a hearing within thirty  
321 (30) days of the emergency abatement to contest the emergency abatement and  
322 the accompanying penalty.

323 (ii) The hearing will be conducted by the regulatory court hearing officer who  
324 shall be empowered to hear testimony, examine all evidence, make written  
325 findings of fact as to whether the conditions for which the property owner  
326 required emergency abatement and render any order authorized herein  
327 consistent with the hearing officer's findings.

328 (c) *Abatement of junk, trash, etc.* Notwithstanding whether any injunctive or other  
329 judicial relief is petitioned for in accordance with the provisions of this chapter, if the  
330 violation consists of any prohibited activity or condition specified in this chapter and is  
331 not abated within five (5) days of date on notification (which may be via U.S. First Class  
332 Mail or posting of the property) unless otherwise noted herein, with said notice only  
333 being required to be sent to the owner once every calendar year, the city, through the

334 Regulatory Department is hereby authorized to clear, destroy and remove all such  
335 offending materials and/or take any action necessary to abate the nuisance; and the  
336 property owner, as shown on the latest property assessment rolls and/or conveyance  
337 records, shall be assessed a charge for the clearing, destruction and removal and/or  
338 other corrective action in accordance with the following schedule:

339 (1) A charge of not less than two hundred fifty dollars (\$250.00) shall be assessed for  
340 the removal of any trash, debris, refuse, junk, abandoned, discarded or unused  
341 objects, equipment, machinery, or parts thereof or any other noxious matter or  
342 offending materials;

343 (2) If the cost to the city for clearing, removing and/or destroying such items exceeds  
344 the amount of two hundred fifty dollars (\$250.00), the owner of the property shall be  
345 assessed actual cost, plus a surcharge equal to one hundred (100) percent of the  
346 costs to cover inspection and administrative costs.

347 (d) *Abatement of a neglected structure.* Notwithstanding whether any injunctive or other  
348 judicial relief is petitioned for in accordance with the provisions of this chapter, if the  
349 violation consists of any prohibited activity or condition specified in this chapter and is  
350 not abated within five (5) days of date on notification (which may be via U.S. First Class  
351 Mail or posting of the property), with said notice only being required to be sent to the  
352 owner once every calendar year, the city, through the Regulatory Department, is hereby  
353 authorized to abate such nuisance when the structure has been neglected, whether  
354 minor or major repairs are required for compliance, or otherwise vacant, deemed  
355 dangerous or unsecured; and the property owner, as shown on the latest property  
356 assessment rolls and/or conveyance records, shall be cited and upon failure to comply,  
357 forwarded to the city attorney's office for enforcement. Neglected structures shall  
358 include but not be limited to a building or house, canopy, shed, sign, trailer or camper  
359 which has not been maintained according to code and requires minor or major repairs  
360 or demolition.

361 (e) *Work to be done by city employee or independent contractor.* In connection with any  
362 work performed pursuant to this section, the Regulatory Department may proceed to  
363 have the necessary work done either by the City's employees or by an independent  
364 contractor.

365 (f) (1) Any person deemed a repeat offender shall be automatically notified every  
366 calendar year until compliance.

367 (2) Any work order issued to a city contractor to perform remedial action pursuant to  
368 this article shall remain in effect even though it may not be performed until the  
369 following year.

370 (3) Once notice is issued to a property owner, removal of vegetation and/or trash in  
371 violation may be performed without a hearing.

372 Sec. 58-22. - Notification of violation.

373 (a) Following an inspection and verification of a violation, the city, through its legal  
374 and/or administrative departments, shall notify the owner and any known interested  
375 party of the premises in violation.

376 (b) Such notice of violations shall be either by certified mail, delivery confirmation,  
377 personal or domiciliary service made by any authorized personnel of the city, and/or by  
378 any other reasonable method of notification.

379 (c) Notice by posting. All properties alleged to be in violation shall be posted by either  
380 posting the notice on the window nearest the front door if a structure exists or on a post  
381 or stake on a vacant lot, said notice shall contain the following:

382 (1) The legal description and municipal address (if applicable) of the property;

383 (2) The nature of the violation including the specific provision of the ordinance  
384 involved;

385 (3) The penalties, enforcement and/or abatement proceedings that the proprietary  
386 party may be liable for if the nuisance or other prohibited activity or condition is  
387 not voluntarily abated; and

388 (4) If applicable, the opportunity for a hearing to contest the violation, as provided for  
389 in this article.

390 (d) If any abandoned, junked, derelict, wrecked, partially dismantled or otherwise non-  
391 operating vehicle forms the basis of any violation under this article the provisions for  
392 notice of violation and penalties shall be made by posting aforementioned notice on  
393 vehicle's front windshield, or any other conspicuous location if front windshield is not  
394 intact or reachable. Except that vehicles in violation pursuant to this section are not  
395 subject to being tagged.

396 (e) Following a third (3rd) or greater inspection of the same property within a twelve-  
397 month period for repeat or new violations, a one hundred fifty dollar (\$150.00)  
398 administrative inspection fee shall apply per additional inspection until said violations  
399 are remedied.

400 Sec. 58-23. - Review hearings.

401 (a) In all applicable instances where a proprietary party has received notice of a violation  
402 of the provisions of this article, he shall be afforded an opportunity for a hearing to  
403 refute such determination and to raise whatever objection he may have to the issuance  
404 of the violation notice. The procedures for hearings are as provided in Chapter 19 of this  
405 Code.

406 Sec. 58-24. - Billing; payment.

407 At the completion of any work performed pursuant to this article, the proprietary party  
408 and/or owner of the premises shall be sent a bill by certified mail delivery confirmation,  
409 personal or domiciliary service made by any authorized personnel of the city, or by any other  
410 reasonable method of notification, itemizing the cost of the work in accordance with this  
411 article. The proprietary party and/or owner of the premises shall be given ten (10) days from  
412 the date of the notice to make payment to the city before a lien is placed.

413 Sec. 58-25. - Authority to impose lien.

414 In addition to the other provisions of this article, the city is also authorized to have  
415 recorded in the mortgage office of the parish, a sworn statement showing the cost and  
416 expenses incurred for the work and the date, place or property on which the work was done,  
417 and the recordation of such sworn statement shall constitute a lien and privilege on the  
418 property and shall remain in full force and effect for the amount due in principal and  
419 interest, plus costs filing the lien, and costs of court, if any, for collection until final payment  
420 has been made. Sworn statements for matters involving minor or major repairs shall include  
421 the fine imposed plus costs of filing the lien, and costs of court, if any.

422 Sec. 58-26. - Collection of outstanding invoices.

423 (a) The administrative departments handling the enforcement of this article shall no less  
424 than once each month send to the department of finance copies of all invoices mailed or  
425 served upon proprietary parties and/or property owners whose premises were affected.

426 (b) After fifteen (15) days following the invoice date, the department of finance shall  
427 submit to the city clerk a list of unpaid amounts and the city clerk shall have recorded a  
428 lien against the respective properties. The city clerk shall furnish to the department of  
429 finance a list of liens filed.

430 (c) The department of finance shall then send a second invoice to the proprietary party  
431 and/or property owner advising that the accounts receivable are to be turned over to the  
432 city attorney for collection if the amounts due are not paid within fifteen (15) days.

433 (d) After said fifteen (15) days if any invoice remains unpaid, the department of finance  
434 shall send the account to the city attorney for collection and the city attorney shall make  
435 written demand for payment. If payment is not received within fifteen (15) days, the city  
436 attorney may file suit for collection. The proprietary party and/or owner of the premises  
437 shall be liable for reasonable attorney's fees, of not less than twenty (20) percent, plus  
438 any necessary court costs when an account is turned over for collection.

439 (e) The Regulatory Department shall monitor and give monthly reports to the Mayor and  
440 the finance department as to the success of collections for these charges.

441 Sec. 58-27. - Adding costs and/or fines to ad valorem tax bill.

442 (a) In addition to any other provisions regarding collection of costs for work performed  
443 pursuant to this article, if payment is not received within six (6) months of the original  
444 invoice date, the city may, at its option, proceed to adopt an ordinance levying the



445 charges for such work plus fifteen (15) percent collection charges as an assessment to be  
446 added to the annual ad valorem tax bill of the premises or property involved.

447 (b) The sheriff effecting collection shall be reimbursed fifteen (15) percent of the amount  
448 of such charges actually collected from the proprietary party and/or owner of the  
449 premises or property involved.

450 (c) Costs, including court costs or hearing costs, administrative fees, charges from the  
451 city contractor, and any other fines assessed to the violator, if not paid timely pursuant  
452 to this section or a judgment or order, may be placed on the tax rolls for collection.

453 Sec. 58-28. - Enforcement department.

454 The department responsible for the enforcement of this article shall be the Regulatory  
455 Department.

456 Sec. 58-29. - Reserved.

### 457 ARTICLE III-A. - MAINTENANCE OF ABANDONED RESIDENTIAL PROPERTY

458 Sec. 58-29.1. - Maintenance of abandoned residential properties.

459 It shall be unlawful for an owner of abandoned residential property to permit or allow  
460 the property to become derelict. Abandoned residential property must be maintained in  
461 accordance with the neighborhood standard in order to prevent the deterioration of the  
462 premises and the spread of blight.

463 Sec. 58-29.2. - Definitions.

464 The following words and phrases when used in this section shall have the following  
465 meanings, unless the context clearly indicates otherwise:

466 *Abandoned residential property* shall mean one-to-four-family residential property that  
467 is vacant as the result of the relinquishment of physical possession or control by a  
468 homeowner or any other person or entity. Property may be deemed abandoned when there  
469 is evidence of conditions, taken separately or as a whole, that would lead a reasonable  
470 person to conclude that the property was unoccupied, including but not limited to evidence  
471 of vacancy.

472 *Derelict* shall mean broken glass windows; damaged or unsecured exterior doors, soffit,  
473 fascia, shutters, and siding; roofing not adequate for drainage, damaged fences; and  
474 uncovered swimming pools and hot tubs.

475 *Evidence of vacancy* shall mean a condition that on its own, or combined with other  
476 conditions present, would lead a reasonable person to believe that the property is vacant.  
477 Such conditions include but are not limited to overgrown or dead vegetation, accumulation  
478 of newspapers, circulars, flyers, or mail, past due utility notices or disconnected utilities,  
479 accumulation of trash, junk or debris, the absence of window coverings such as curtains,  
480 blinds or shutters, the absence of furnishings or personal items consistent with residential  
481 habitation, and statements by neighbors, passersby, delivery agents, or government  
482 employees that the property is unoccupied.

483 *Owner* is defined as any person with care, custody, or control of the property at issue,  
484 including but not limited to record owners, seizing creditors, mortgage holders, lien holders,  
485 loan servicers of foreclosed property pending title transfer, or an agent or assignee of the  
486 seizing creditor, mortgage holders, lien holders, or loan servicer.

487 Sec. 58-29.3. - Notification.

488 (a) Following an inspection and verification of a violation, the city, through its legal  
489 and/or administrative departments, shall notify the owner and any known interested  
490 party of the premises in violation.

491 (b) *"Notice"* shall mean posting notice of the alleged violation on the front door or  
492 window nearest the front door of the property at issue and sending notice via certified  
493 mail, return receipt requested, from the city addressed to the property owner and, if the  
494 property is encumbered by a recorded mortgage the seizing creditor, mortgage holder,  
495 lien holder, or loan servicer of foreclosed property pending title transfer. Said notice  
496 shall contain:

497 (1) The legal description and municipal address (if applicable) of the property;

- 498 (2) The nature of the violation including the specific provision of the ordinance  
499 involved;
- 500 (3) A photo of the violation;
- 501 (4) An explanation of the maintenance needed on the property, specifying the time  
502 period in which the work is required to be completed;
- 503 (5) The penalties, enforcement, and/or abatement proceedings that the proprietary  
504 party may be liable for if the maintenance is not performed;
- 505 (6) If applicable, the opportunity for a hearing to contest the violation, as provided for  
506 in this article; and
- 507 (7) The name and phone number of a contact person with the city who has  
508 knowledge of the matter who can provide more information.

509 Sec. 58-29.4. - Review hearing.

510 In all applicable instances where a proprietary party has received notice of a violation of  
511 the provisions of this article, he shall be afforded an opportunity for a hearing to refute such  
512 determination and to rise whatever objection he may have to the issuance of the violation  
513 notice. The procedures for hearings are as provided in Chapter 19.

514 Sec. 58-29.5. - Time delays, procedure for maintenance.

515 (a) After forty-five (45) days have elapsed from the date notice to the owner and, if  
516 applicable, the seizing creditor, mortgage holder, lien holder, or loan servicer of the  
517 property, the city may undertake maintenance pursuant to this section.

518 (1) For purposes of this section, "*maintenance*" shall mean but is not limited to  
519 repairing or replacing broken glass windows, repairing or replacing exterior doors,  
520 repairing or replacing soffit, fascia, shutters, gutters, and siding, repairing or  
521 replacing fences, and maintaining or covering swimming pools and hot tubs.  
522 Maintenance does not include removal of deleterious vegetation, grass cutting,  
523 inoperative vehicles, junk and debris, or demolition of dangerous structures.

524 (b) Maintenance will be performed in accordance with the procedures contained in La.  
525 R.S. 33:5067(B)(1), (2), and (3).

526 (c) After completion of the maintenance on the subject property, the city shall record in  
527 the public mortgage records in the parish where the property is located, an affidavit,  
528 signed by either the chief elected official or his designee or by the city clerk or city  
529 attorney or his designee. The required affidavit shall include the following:

530 (1) A legal description of the property to which maintenance was performed,  
531 sufficient to reasonably identify it;

532 (2) The name of the property owner;

533 (3) A description of the maintenance performed and an itemization of the amounts of  
534 money spent on maintenance; and

535 (4) A statement that the provisions of La. R.S. 33:5065 et seq. and the provisions of  
536 this local ordinance have been complied with.

537 Sec. 58-29.6. - Right of mortgagee or loan servicer to enter property.

538 In accordance with La. R.S. 9:5396, if a mortgagee or loan servicer receives notice in  
539 accordance with this section identifying certain maintenance is required on the mortgaged  
540 property, the mortgagee or loan servicer shall have the legal right, directly, or through third  
541 parties, to enter on the property and to perform maintenance to protect and preserve the  
542 property until it can be sold at private sale or sheriff's sale.

543 Sec. 58-29.7. - Maintenance costs.

544 The cost of maintenance, including charges, costs, and expenses incurred by the city  
545 shall be the actual cost thereof to the city, not to exceed a total amount of five thousand  
546 dollars (\$5,000.00) in a twelve-month period.

547 Sec. 58-29.8. - Privilege.

548 The city shall have a privilege against the subject property for the cost of maintenance it  
549 incurs, as documented in the recorded affidavit, and the privilege shall have the ranking  
550 priority as to other mortgages and privileges as provided in R.S. 9:4821(1).

551 Sec. 58-29.9. - Procedure for disputing privileges.

552 A property owner and a mortgage holder shall have the right to dispute a privilege  
553 created against a mortgaged property under this section, if the work creating a privilege was  
554 not performed on the property. A privilege may be disputed by submitting an affidavit to the  
555 city. The affidavit shall be made by someone with knowledge of the condition of property,  
556 providing a statement that the work giving rise to the lien was not performed on the subject  
557 property, and giving an explanation as to why it believes the work was not performed on the  
558 property. Additional documentation may be submitted with the affidavit, such as pictures of  
559 the identity and condition of the property, and invoices or records showing that work was  
560 performed privately. Upon receiving the affidavit and other documentation, the city shall  
561 have thirty (30) days to investigate the dispute and respond by either producing pictures or  
562 records to prove that the privilege established on the property for work performed is  
563 accurate, or by issuing a written release and cancellation of the privilege.

564 **ARTICLE IV. - SWIMMING POOLS AND EXCAVATIONS**

565 Sec. 58-30. - Declaration as nuisance.

566 Any swimming pool or open excavation on or within five hundred (500) feet of  
567 residential property, that is not protected or supervised, or which is otherwise deemed  
568 dangerous, as defined herein, that is located within the city, which is injurious to or a  
569 danger to the public health, safety, morals or welfare of the people of the city, is hereby  
570 declared to be a public nuisance.

571 Sec. 58-31. - Definitions.

572 (a) (1) The term "dangerous" shall include a swimming pool or open excavation which  
573 (a) is not enclosed pursuant to currently adopted International Building Code  
574 regulations; (b) is not enclosed by a fence or barrier and which barrier or fence  
575 contains an access gate, and such access gate as part of the barrier, does not open  
576 outward away from the pool and is not equipped with self-closing and self-latching  
577 devices to prevent access to the pool; contains noxious growth or stagnant water;  
578 (d) is not maintained; (e) is on a premises which is vacant or otherwise abandoned;  
579 (f) is in violation of any provisions of this Code, including but not limited to the  
580 Louisiana Uniform Construction Code, Section 31-09 of the International Building  
581 Code of 2006, or other ordinances of this city, or laws of this state, if the violation is  
582 of such a nature that the swimming pool constitutes a danger to occupants of the  
583 premises and/or others.

584 i. The term "barrier" shall include an object or set of objects which reasonably  
585 prohibits entrance into the swimming pool or open excavation area.

586 ii. The term "maintenance" shall include any swimming pool or open excavation  
587 in which the proper chlorine and/or salt levels and filters necessary for human  
588 enjoyment are met.

589 iii. The term "emergency" shall refer to any swimming pool or open excavation  
590 not in compliance with this section that presents a health or safety issue.

591 (b) A swimming pool or open excavation on or within five hundred (500) feet of  
592 residential property that is fenced or otherwise secured in any manner may,  
593 nevertheless, be deemed "dangerous" under the foregoing criteria if the swimming  
594 pool or open excavation constitutes a danger to the public even though secured from  
595 entry; or is found that the means utilized to secure any building on the same property  
596 are not adequate to prevent unauthorized access to the swimming pool or open  
597 excavation in contravention of this part

598 (c) Any defect deemed to be "dangerous" shall constitute a public and/or attractive  
599 nuisance allowing the city to access the property and cause the swimming pool or open  
600 excavation to be drained and drilled, fenced or secured by the city at the expense of the  
601 owner if deemed an emergency by the director of the Regulatory Department. Said  
602 action may be taken without notice or a hearing.

603 Sec. 58-32. - Inspections.

604 The director of the Regulatory Department may designate appropriate personnel to:

- 605 (1) Inspect any premises in which complaints are filed by any person or reported by  
606 the fire, health or police department to the effect that a swimming pool or open  
607 excavation may be in violation of this article.
- 608 (2) Inspect any premises in the city to determine whether there exists a "dangerous  
609 swimming pool" within the terms of this section and for said inspector to enter the  
610 premises in which said violation may exist including but not limited to entrance of  
611 a gate or other barrier.
- 612 (3) Document the existence of such premises and any violation(s) that are found  
613 including whether the violation(s) are deemed to be dangerous and any information  
614 from the reports of the fire, health and police departments where applicable.
- 615 (4) Schedule a hearing pursuant to Chapter 19 fulfilling the notice requirements to  
616 interested parties as provided therein, and further notifying other involved city  
617 officials so that they may attend and testify when appropriate.
- 618 (5) Appear at all hearings conducted pursuant to section Chapter 19 this Code and  
619 testify as to the conditions existing.
- 620 (6) Place notices and/or placards on such premises as ordered by the hearing officer,  
621 or as otherwise required by this article.
- 622 (7) If a violation is found, the owner shall be issued notice and given five (5) days to  
623 comply from date of notice with said notice only being required to be sent to the  
624 owner once every calendar year.

625 Sec. 58-33. - Hearing; placarding of building or structure.

- 626 (a) If a premises, has, upon inspection, been found to contain a dangerous swimming  
627 pool or open excavation, then written notice shall be made in accordance with the  
628 provisions in Chapter 19 of this Code.
- 629 (b) After completion of the presentation of testimony by all parties appearing, the hearing  
630 officer shall make written findings of fact as to whether or not the premises contains a  
631 dangerous swimming pool or open excavation and constitutes a hazard to the health,  
632 safety or welfare of occupants and/or the citizens, and whether or not the swimming  
633 pool or open excavation in question is dangerous within the standards set forth in this  
634 section.

635 If the hearing officer finds that any premises contains a dangerous swimming pool or  
636 open excavation and that same constitutes a hazard to the health, safety or welfare of its  
637 occupants and/or the citizens, and that same is dangerous building within the terms of this  
638 section, he shall issue an order directing the owner, occupant and all other persons having  
639 an interest in said premises as shown by the mortgage and conveyance records of the city  
640 where the land is located:

- 641 (1) That the swimming pool shall be either repaired and maintained or drained and  
642 filled (at the owner's option) if it can reasonably be brought into compliance by  
643 repair; or
- 644 (2) That the swimming pool or open excavation be demolished and filled if it cannot  
645 reasonably be repaired;

646 The persons having an interest in the property shall be given a reasonable period of  
647 time in which to comply with the hearing officer's order, such period not to exceed fifteen  
648 (15) days, unless, in the judgment and discretion of the hearing officer, it is determined that  
649 a greater period of time is necessary. The order shall state the date by which the action  
650 ordered must be completed. The order of the hearing officer shall be served on all persons  
651 having an interest in the property as provided in Chapter 19 of this Code.

652 A copy of the order of the hearing officer shall also be filed in the mortgage and  
653 conveyance records of the city.

- 654 (c) If the persons having an interest in the property fail to comply with the order of the  
655 hearing officer within the time specified in the order for compliance, the Regulatory  
656 Department shall cause such swimming pool to be secured or demolished pursuant to  
657 the order of the hearing officer.

658 (d) If any instance in which an order has been issued pursuant to subsection (b) above,  
659 and the owner complies with the order by securing, repairing and maintaining the  
660 swimming pool or open excavation, the hearing officer's case file shall, nevertheless,  
661 remain active for a period of three (3) years from the date of signature of the order. The  
662 Regulatory Department may request that the hearing officer reconvene the hearing if he  
663 receives evidence that the swimming pool or open excavation has not remained  
664 secured, repaired and maintained and is in contravention of this Code. Upon notice to  
665 the owner, lien holders, occupants and other persons having an interest in the property,  
666 the hearing officer shall reconvene the hearing. If the hearing officer finds that the  
667 building remains a dangerous building notwithstanding the owner's efforts to secure it,  
668 he may issue a revised order that the building be demolished.

669 (e) If any instance in which an order has been issued pursuant to subsection (b) above,  
670 and the owner fails to comply with the order, said file may be sent to the city attorney's  
671 office for enforcement.

672 Sec. 58-34. - Fees; costs; billing; payment; imposition of lien; addition of costs to ad valorem  
673 tax bill.

674 (a) The city council hereby finds and declares that the general administrative expenses of  
675 inspecting swimming pools, locating owners, conducting hearings, issuing notices and  
676 orders, together with all associated administrative functions, require the reasonable  
677 charge of five hundred dollars (\$500.00) for each lot, adjacent lots under common  
678 ownership, or tract of land, and such minimum charge is hereby established and  
679 declared to be the charge for such administrative expenses to be assessed in each  
680 instance where the city demolishes or contracts for the demolition or securing of a  
681 swimming pool or open excavation thereon. Notwithstanding any tabulation of  
682 recorded costs, a charge of five hundred dollars (\$500.00) is hereby expressly stated to  
683 be a minimum charge. Further, the costs of securing or filing a swimming pool or open  
684 excavation either by the city or by persons doing so under contract with the city shall be  
685 separately calculated and assessed in each instance where the city causes such work to  
686 be performed pursuant to this article.

687 The Regulatory Department shall certify all administrative expenses and costs of  
688 securing or filling a swimming pool or open excavation by the city or by persons doing so  
689 under contract with the city, as a charge which shall be assessed the owners thereof. Such  
690 charge shall bear interest at the rate of ten (10) percent per annum until paid.

691 Provided, further, if an order has been issued pursuant to this article for the securing or  
692 filling a swimming pool or open excavation and the city has let a contract for such work, and  
693 the premises subsequently brought into compliance by the owners prior to completion of  
694 the contract let by the city, the administrative expenses and all costs for cancellation of the  
695 contract shall be certified as a charge which shall be assessed as against the owners thereof.  
696 Such charges shall bear interest at the rate of ten (10) percent per annum until paid.

697 (b) At the completion of any work performed pursuant to this chapter, or preparation in  
698 anticipation thereof, the proprietary party and/or owner of the premises shall be sent a  
699 notice fulfilling the requirements provided in Chapter 19 of this Code, itemizing the cost  
700 of the work in accordance with this article. The proprietary party and/or owner of the  
701 premises shall be given thirty (30) days from receipt thereof to make payment to the  
702 city.

703 (c) In addition to the other provisions of this article, the city is also authorized to have  
704 recorded in the mortgage office of the parish, a sworn statement showing the costs and  
705 expenses incurred for the work and the date, place or property on which the work was  
706 done, and the recordation of such sworn statement shall constitute a lien and privilege  
707 on the property and shall remain in full force and effect for the amount due in principle  
708 and interest, plus costs for filing the lien, and costs of court, if any, for collection until  
709 final payment has been made.

710 (d) Upon full payment of the charge assessed against any property, or in the event the lien  
711 is placed on the property through error, the director of the Regulatory Department is  
712 hereby authorized to execute, for and on behalf of the city, a written release approved in  
713 each case by the legal department.

714 (e) Upon compliance with an order of the hearing officer to secure, repair and maintain a  
715 swimming pool or open excavation, the Regulatory Department shall be and is hereby  
716 authorized to execute a written "notice of compliance" setting forth the date the notice

717 of compliance is issued, the date the city found such premises was found to be in  
718 compliance with the order

719 (f) A fee shall be imposed for such release of lien provided hereunder in an amount to be  
720 fixed by the Jefferson Parish clerk of court.

721 Sec. 58-35. - Adding cost to ad valorem tax bill.

722 (a) In addition to any other provisions of law regarding collection of costs for work  
723 performed pursuant to this article, if payment is not received within thirty (30) days of  
724 the original invoice date, the city may, at its option, proceed to adopt an ordinance  
725 levying the charges for such work plus fifteen (15) percent collection charges as an  
726 assessment to be added to the annual ad valorem tax bill of the premises or property  
727 involved.

728 (b) The collector effecting collection shall be reimbursed fifteen (15) percent of the  
729 amount of such charges actually collected from the proprietary party and/or owner of  
730 the premises or property involved.

731 (c) Costs, including court costs or hearing costs, administrative fees, charges from the  
732 city contractor, and any other fines assessed to the violator, if not paid timely pursuant  
733 to this section or a judgment or order, may be placed on the tax rolls for collection.

734 Sec. 58-36. - Violations; penalty for disregarding or removing notices or orders.

735 (a) The owner of any premises containing dangerous swimming pool or open excavation  
736 who shall fail to comply with any order to secure, repair and maintain said swimming  
737 pool or open excavation by any person authorized by this article to give such order shall  
738 be guilty of a misdemeanor.

739 (b) The occupant or lessee in possession, who fails to comply with any order issued under  
740 this article, and anyone having an interest in said premises as shown by the mortgage  
741 and conveyance records of the city where the land is located, and under a legal duty to  
742 secure, repair and maintain said swimming pool or open excavation, and who fails to do  
743 so in accordance with any order given as provided for in this article, shall be guilty of a  
744 misdemeanor.

745 (c) Any person removing any notice provided for in this article shall be guilty of a  
746 misdemeanor.

747 (d) Each day that any violation of the above subsections continues shall constitute a  
748 separate offense.

749 (e) Violation of any of the above subsections shall be punishable as provided in this  
750 section or Chapter 19 of this Code.

751 Sec. 58-37. - Emergencies and disclaimer of liability.

752 (a) In cases where it reasonably appears that there is immediate danger to the health, life  
753 or safety of any person unless a dangerous swimming pool or open excavation, as  
754 defined herein, is immediately secured, repaired and maintained, if the director finds  
755 that there is in fact an immediate danger to the health, life or safety of any person unless  
756 the swimming pool or open excavation is immediately secured, repaired and  
757 maintained, he shall cause the immediate steps to be taken to make the premises safe,  
758 without any requirement for notice to the owner or interested parties in advance.  
759 Making the premises safe may include the installation or repair of the fence or barrier  
760 around the perimeter of the swimming pool or open excavation, draining the swimming  
761 pool or open excavation, and having a three (3) inch to four (4) inch diameter hole cored  
762 for each one hundred (100) square feet of pool area; such cored holes shall be uniformly  
763 distributed along the bottom of the pool along the deepest part (longitudinally) and  
764 then have the pool filled with coarse sand as to facilitate quick permeation (drainage),  
765 in order to prevent the pool from becoming a breeding area for mosquitoes, and to  
766 prevent the site from being a drowning hazard.

767 (b) In cases where such emergency work is performed, the city shall not be liable for any  
768 costs associated with installation, repair or restoring the swimming pool or open  
769 excavation at a later date.

770 (c) Nothing in this chapter shall make the city responsible in any way for action of other  
771 persons or firms or corporations, or for any damages sustained by any person as a result

772 of any swimming pool or open excavation existing on private property in violation of the  
773 provisions of this chapter.

774 Secs. 58-38—58-40. - Reserved.

## 775 ARTICLE V. - SLUM AND BLIGHTED AREAS

776 Sec. 58-41. - Definition of slum area.

777 Any contiguous land area located in the City of Harahan in which there is a  
778 predominance of buildings or improvements in which by reason of dilapidation,  
779 deterioration, age or obsolescence, inadequate provision for ventilation, light, sanitation or  
780 open spaces, high density of population and overcrowding, or any combination of such  
781 factors, are conducive to ill health, transmission of disease, infant mortality, juvenile  
782 delinquency and crime, injuriously affect the entire area, and are detrimental to the public  
783 health, safety, morals or welfare, is hereby declared to be a slum area and a nuisance.

784 Sec. 58-42. - Definition of blighted area.

785 Any contiguous land area located in Harahan City, whether commercial or residential,  
786 whether vacant or improved, where by reason of the predominance of defective or  
787 inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or  
788 usefulness, submergence of lots by water or other unsanitary or unsafe conditions,  
789 deterioration of site improvements, failure to install public utilities, diversity of ownership,  
790 tax delinquency, defective or unusual conditions of title, improper subdivision or obsolete  
791 platting, or any combination of such factors, the development of such area (which may  
792 include some incidental building or improvements) into predominantly housing uses is  
793 being prevented, or such area is uninhabitable and hazardous due to its physical condition,  
794 is hereby declared to be a blighted area and a nuisance.

795 Sec. 58-43. - Application for federal funds.

796 The City of Harahan shall, if it deems appropriate, make application to the U.S.  
797 Department of Housing and Urban Development and/or any other federal department or  
798 agency for funds to be used to eradicate slum and/or blighted areas located within the City.

799 Secs. 58-44, 58-45. - Reserved.

## 800 ARTICLE VI. - DANGEROUS BUILDINGS

801 Sec. 58-46. - Declaration as nuisance.

802 All buildings or structures located within the city which are injurious to or a danger to  
803 the public health, safety, morals or welfare of the people of the city, as hereinafter defined,  
804 whether vacant or occupied, are hereby declared to be public nuisances.

805 Sec. 58-47. - Definitions and conditions.

806 (a) All structures which have any or all of the following defects shall constitute a public  
807 nuisance and be deemed "dangerous":

808 (1) *"Structurally unsound"*

809 a. Those structures which have interior walls or other vertical structural members  
810 that list, lean or buckle to such an extent that a plumb line passing through the  
811 center of gravity falls outside of the middle third of its base;

812 b. Those structures which, exclusive of the foundation, show thirty-three (33)  
813 percent or more of damage or deterioration of the supporting member or  
814 members or fifty (50) percent of damage or deterioration of the non-supporting  
815 enclosing or outside walls or covering;

816 c. Those structures which have improperly distributed loads upon the floors or  
817 roofs or in which the same are overloaded, or which have insufficient strength  
818 to be reasonably safe for the purpose used;

819 d. Those structures which have been damaged by fire, wind or other causes so as  
820 to have become dangerous to life, safety, morals or the general health and  
821 welfare of the occupants or people of the city.

822 (2) *"Unhealthful"*

823 a. Those structures which are so dilapidated, decayed or unsanitary or which so  
824 utterly fail to provide the amenities essential to decent living that they are unfit  
825 for human habitation, or are likely to cause sickness or disease, so as to work  
826 injury to the health, morals, safety or general welfare of those occupying such  
827 building.

828 (3) *"Constitute a fire hazard"*

829 a. Those structures containing electrical wiring or appliances in dangerous and  
830 defective condition likely to cause fire. Electrical wiring and appliances  
831 installed or in use which are not in compliance with the provisions of any  
832 ordinance of the city regarding such wiring or appliances and the installation  
833 thereof shall be deemed dangerous and defective;

834 b. Those structures containing gas plumbing or appliances in dangerous or  
835 defective condition likely to cause fire. Gas plumbing or appliances installed or  
836 in use which are not in compliance with the provisions of any ordinances of  
837 this city regulating such plumbing and appliances and the installation thereof  
838 shall be deemed dangerous and defective;

839 c. Those structures which contain combustible or explosive matter or  
840 accumulation of rubbish, trash or unnecessary accumulation of waste paper,  
841 boxes, shavings or any highly flammable materials especially liable to fire,  
842 therein, or in close proximity thereto;

843 d. Those structures containing numerous openings in the walls or other  
844 unstopped spaces throughout, attributable to vandalism or general disrepair,  
845 which increase the risk of conflagration in the area;

846 e. Those structures which are vacant and have windows, doors or other openings  
847 which remain unsecured permitting entry by unauthorized persons;

848 f. Those structures which contain other fire hazards in violation of the National  
849 Fire Prevention Act, the state fire marshal act, the building code, any  
850 provisions of this Code or other ordinances of this city if the violation is of such  
851 a nature that the building constitutes a danger to its occupants and/or others.

852 (4) *"Dangerous to human life"*

853 a. Those structures, regardless of their structural condition, which have during  
854 times that they were not actually occupied by their owners, lessees or other  
855 invitees, been left unsecured from unauthorized entry to the extent that they  
856 may be entered and utilized by vagrants or other uninvited persons as a place  
857 of harborage or may be entered and utilized by children as a play area;

858 b. Those structures having parts thereof which are so attached that they may fall  
859 and injure members of the public or property;

860 c. Those structures without adequate ingress or egress;

861 d. Those structures existing in violation of any provisions of this Code, the  
862 building code, the fire code, or other ordinances of this city if the violation is of  
863 such a nature that the building constitutes a danger to its occupants and/or  
864 others;

865 e. Those structures constituting a danger to the public even though secured from  
866 entry; or

867 f. It is found that the means utilized to secure the structure are not adequate to  
868 prevent unauthorized entry of the building.

869 (5) *"Unsecured"*

870 a. Those structures that are not boarded or otherwise have unbroken windows  
871 and doors, fenced or otherwise protected from entry in any manner to prevent  
872 uninvited persons or animals.

873 (6) *"Unsafe":*

874 a. Those structures with a foundation wall, exterior wall, or roof which is not  
875 weather-tight, watertight or rodent proof; or



- 876           b. Those structures with windows and doors which are not weathertight,  
877           watertight or rodent proof or which are not operating to allow proper ingress or  
878           egress; or
- 879           c. Those structures with exterior stairs, porches, railings or any appurtenance  
880           thereto which is not capable of supporting the load that normal use may cause  
881           to be placed thereon; or
- 882           d. Those structures that are boarded or otherwise have doors or windows that are  
883           not operating, all of which failing to provide outside air or light; or
- 884           e. Those structures which have been boarded in excess of six (6) months and in  
885           which the owner has failed to obtain a permit and begin substantial  
886           renovations; or
- 887           f. Those structures which are deemed "attractive nuisances" as defined in  
888           section 58-2.

889 (b) All structures which have any or all of the following defects shall constitute a public  
890 nuisance and are subject to demolition:

891 (1) Any structure which costs more than fifty (50) percent of the value of the property  
892 to repair the structure according to code may be deemed dangerous and unsafe  
893 pursuant to the provisions herein and ordered demolished. The value is determined  
894 per the value assessed by the Assessor's Office of Jefferson Parish.

895 (2) Any structure that is vacant and boarded for a period of more than six (6) months  
896 and which does not have an active permit and no substantial work being performed  
897 or which has a permit but substantial work has not begun shall be deemed blighted  
898 and a nuisance and subject to demolition.

899 (3) Any structure found to be in a state of deterioration that creates a substantial  
900 adverse impact on neighboring properties including but not limited to depreciation  
901 of property values, interference with the lawful use and enjoyment of property in the  
902 area and/or illegal activities occurring on or at the structure are deemed to be  
903 blighted, declared a nuisance and subject to demolition.

904 (c) "Vacant" shall include, but not be limited to, a structure designed for human use or  
905 occupancy but which has been unoccupied for more than six (6) months, unless one (1)  
906 of the following applies:

907 (1) The building is the subject of an active building permit for repair or rehabilitation  
908 and the owner is progressing diligently to complete the repair or rehabilitation; or

909 (2) The building meets all codes, does not contribute to blight, is ready for occupancy  
910 and is actively being offered for sale, lease, or rent.

911 (d) A structure which has been cited with two (2) or more violations, whether or not a part  
912 of this chapter and does not constitute an imminent danger to persons is hereby  
913 declared to be a nuisance, the owner a repeat offender and a blighted property.

914 Sec. 58-48. - Inspectors; jurisdiction.

915 The director of the Regulatory Department shall designate inspectors whose duties  
916 shall be as follows:

917 (1) Inspect any building, wall or structure about which complaints are filed by any  
918 person to the effect that a building, wall or structure is or may be existing in  
919 violation of the terms of this article;

920 (2) Inspect any building, wall or structure reported by the fire, health or police  
921 department of this city as probably existing in violation of the terms of this article;

922 (3) Inspect buildings in the city to determine whether they are "dangerous buildings"  
923 within the terms of this article;

924 (4) Document the existence of buildings that are found to be dangerous  
925 incorporating the reports of the fire, health and police departments where  
926 applicable;

927 (5) Schedule a hearing pursuant to Chapter 19, fulfilling the notice requirements to  
928 interested parties as provided therein, and further notifying other involved city  
929 officials so that they may attend and testify when appropriate or transferring said  
930 violation to the Harahan City Court;

- 931 (6) Appear at all hearings conducted on a violation of this chapter and testify as to the  
932 conditions existing;
- 933 (7) Place notices and/or placards on "dangerous buildings" if applicable by this  
934 code;
- 935 (8) All matters transferred to the City Court shall follow Louisiana rules of court  
936 and/or procedures as used by the city attorney's office.
- 937 (9) Those structures which are otherwise dangerous to human life pursuant to this  
938 article, and/or LSA-RS 33:1373 shall be subject to the jurisdiction of the Twenty-  
939 Fourth Judicial District Court, Environmental Court Section.

940 Sec. 58-49. - Hearing; placarding of building or structure for matters sent to Regulatory  
941 Court.

- 942 (a) If a building or structure, has, upon inspection, been found to be dangerous, then  
943 written notice shall be made in accordance with the provisions in Chapter 19-7 of this  
944 Code.
- 945 (b) After completion of the presentation of testimony by all parties appearing, the hearing  
946 officer shall make written findings of fact as to whether or not the buildings are  
947 dilapidated, substandard or unfit for human habitation and constitute a hazard to the  
948 health, safety or welfare of occupants and/or the citizens, and whether or not the  
949 buildings in question are dangerous within the standards set forth herein.

950 If the hearing officer finds that any building is dilapidated, substandard or unfit for  
951 human habitation and that same constitutes a hazard to the health, safety or welfare of its  
952 occupants and/or the citizens, and that same is a dangerous building within the terms set  
953 forth herein, he shall issue an order directing the owner, occupant and all other persons  
954 having an interest in said building as shown by the mortgage and conveyance records of the  
955 city where the land is located:

- 956 (1) That the building shall be vacated if same is occupied and the hearing officer  
957 finds that the building is in such condition as to make it dangerous to the health,  
958 safety or welfare of its occupants;
- 959 (2) That the building shall be either repaired or demolished (at the owner's option) if  
960 it can reasonably be brought into compliance by repair;
- 961 (3) That the building be demolished if it cannot reasonably be repaired; and
- 962 (4) (a) (i) If the structure is unoccupied and the condition of the building is such  
963 that it may be brought into compliance, then the order may provide that it be  
964 so secured and be kept secured and may include or adopt written specifications  
965 that must be complied with in securing the building and the order may provide  
966 that the building be demolished. The order shall further state that any building  
967 boarded for a period of more than ninety (90) days without an active permit and  
968 substantial work having been performed may become subject to the  
969 jurisdiction of the Environmental Court for demolition.
- 970 (ii) If the hearing officer finds that the building is substandard as above  
971 described and in such condition as to make same dangerous to the health,  
972 safety or welfare of its occupants or to the citizens, the hearing officer shall  
973 order that the city place a notice in a conspicuous place on such building;  
974 such notice to read as follows:
- 975 "This building has been found to be a dangerous building. Occupancy of  
976 this building is prohibited by law as such occupancy is dangerous to the  
977 health, safety and welfare of its occupants. This notice is posted (here the  
978 notice shall set forth the date and hour such notice is posted). All persons  
979 must vacate this building not later than forty-eight (48) hours after the time  
980 of posting and shall not re-enter the same until the city finds that the  
981 building has been repaired so as to be in compliance with the ordinances  
982 of the City of Harahan with the requisite permits. This notice shall remain  
983 on this building until it is repaired or demolished."

- 984 (b) (i) If the hearing officer finds that the structure can not be brought into compliance  
985 by repair, the hearing officer shall order that the city conspicuous place on such  
986 building, such notice to read as follows:

987 "This building has been found to be a dangerous building by the City of Harahan.  
988 No person shall enter this building except persons authorized by the owner or  
989 agent with the requisite permits and inspectors of Harahan City. This notice shall  
990 remain on this building until it is demolished."

991 (ii) The persons having an interest in the property shall be given a reasonable period  
992 of time in which to comply with the hearing officer's order, such period not to  
993 exceed thirty (30) days, unless, in the judgment and discretion of the hearing  
994 officer, it is determined that a greater period of time is necessary. The order shall  
995 state the date by which the action ordered must be completed, and state that the  
996 housing officer shall cause the building to be vacated, and demolished if the  
997 persons having an interest in the property do not comply with the order. The order  
998 of the hearing officer shall be served on all persons having an interest in the  
999 property as provided in Chapter 19 of this Code.

1000 (iii) A copy of the order of the hearing officer shall also be filed in the mortgage and  
1001 conveyance records of the city in which the land lies.

1002 (c) If the persons having an interest in the property fail to comply with the order of the  
1003 hearing officer within the time specified in the order for compliance, the owner shall be  
1004 help in contempt and/or the city may perform demolition at the cost of the owner via  
1005 placement of a lien.

1006 (d) If any instance in which an order has been issued herein and the owner complies with  
1007 the order, the hearing officer's case file may, nevertheless, remain active for a period of  
1008 three (3) years from the date of signature of the order and the matter may be reconvened  
1009 upon notice to the owner, lien holders, occupants and other persons having an interest  
1010 in the property. If the hearing officer finds that the building remains a dangerous  
1011 building notwithstanding the owner's efforts, he may issue a revised order that the  
1012 building be demolished may be issued.

1013 Sec. 58-50. - Matters sent to environmental court section.

1014 (a) Any structure subject to a violation of this chapter may be prohibited from obtaining a  
1015 repair permit or demolition permit pending the outcome of an action subject to the  
1016 jurisdiction of the court.

1017 (b) Any owner subject to violations herein may be prohibited from occupying the  
1018 structure at issue pending the outcome of an action subject to the jurisdiction of this  
1019 court.

1020 (c) Any order for demolition issued by the environmental court section shall be enforced  
1021 as follows: notice of judgment shall be served pursuant to state statutes, and after  
1022 motion for new trial and appeal delays have run, a notice shall be placed on the  
1023 premises which includes the legal description and if applicable, the municipal number  
1024 along with the date in which all items must be removed from the structure and the date  
1025 in which the city may proceed with the demolition order.

1026 (d) Any work performed by the city or its agent pursuant to a court order is subject to  
1027 collection by the city via placement of a lien.

1028 Sec. 58-51. - Fees; costs, billing; payment; imposition of lien; addition of costs to ad valorem  
1029 tax bill.

1030 (a) The city council hereby finds and declares that the general administrative expenses of  
1031 inspecting buildings, locating owners, conducting hearings, issuing notices and orders,  
1032 together with all associated administrative functions, require the reasonable charge of  
1033 twenty-five (25) percent of the amount paid by the City for demolition for each lot,  
1034 adjacent lots under common ownership, or tract of land, and such minimum charge is  
1035 hereby established and declared to be the charge for such administrative expenses to be  
1036 assessed in each instance where the city demolishes or contracts for the demolition of a  
1037 building or buildings thereon. Notwithstanding any tabulation of recorded costs, a  
1038 charge of twenty-five percent of the amount paid by the City for demolition is hereby  
1039 expressly stated to be a minimum charge. Further, the costs of demolishing the  
1040 building or buildings either by the city or by persons doing so under contract with the  
1041 city shall be separately calculated and assessed in each instance where the city  
1042 demolishes or causes the demolition of a building or buildings pursuant to this article;  
1043 said costs to include any outstanding amounts owed to the City.

1044 The inspection shall certify all administrative expenses and costs of demolishing a  
1045 building or buildings by the city or by persons doing so under contract with the city, as a  
1046 charge which shall be assessed the owners thereof. Such charge shall bear interest at the rate  
1047 of ten (10) percent per annum until paid.

1048 Provided, further, if an order has been issued pursuant to this article for the repair or  
1049 demolition of a building or buildings and the city has let a contract for demolition, and the  
1050 building or buildings are subsequently repaired or demolished by the owners prior to  
1051 completion of the contract let by the city, the administrative expenses and all costs for  
1052 cancellation of the contract shall be certified as a charge which shall be assessed as against  
1053 the owners thereof. Such charges shall bear interest at the rate of ten (10) percent per annum  
1054 until paid.

1055 (b) At the completion of any work performed pursuant to this chapter, or preparation in  
1056 anticipation thereof, the proprietary party and/or owner of the premises shall be sent a  
1057 notice fulfilling the requirements provided in Chapter 19 of this Code, itemizing the cost  
1058 of the work in accordance with this article. The proprietary party and/or owner of the  
1059 premises shall be given thirty (30) days from receipt thereof to make payment to the  
1060 city.

1061 (c) In addition to the other provisions of this article, the city is also authorized to have  
1062 recorded in the mortgage office of the city, a sworn statement showing the costs and  
1063 expenses incurred for the work and the date, place or property on which the work was  
1064 done, and the recordation of such sworn statement shall constitute a lien and privilege  
1065 on the property and shall remain in full force and effect for the amount due in principle  
1066 and interest, plus costs for filing the lien, and costs of court, if any, for collection until  
1067 final payment has been made.

1068 (d) In addition to the foregoing, the remedies available pursuant to sections 58-10 and 58-  
1069 11 are also available.

1070 Sec. 58-52. - Execution of written release upon payment of charges or where lien placed on  
1071 property through error; execution of written notice of compliance.

1072 (a) Upon full payment of the charge assessed against any property, or in the event the lien  
1073 is placed on the property through error, the director of the Regulatory Department is  
1074 hereby authorized to execute, for and on behalf of the city, a written release approved in  
1075 each case by the legal department.

1076 (b) Upon compliance with an order of the hearing officer to repair or demolish a building,  
1077 the inspector shall be and is hereby authorized to execute a written "notice of  
1078 compliance" setting forth the date the notice of compliance is issued, the date the city  
1079 found the building to be repaired or demolished in compliance with the order; and if the  
1080 building had not been demolished, whether or not the building is in such condition that  
1081 it may be occupied.

1082 (c) A fee shall be imposed for such release of lien provided hereunder in an amount to be  
1083 fixed by the Jefferson Parish clerk of court.

1084 Sec. 58-53. - Adding cost and/or fines to ad valorem tax bill.

1085 (a) In addition to any other provisions regarding collection of costs for work performed  
1086 pursuant to this article, if payment is not received within thirty (30) days of the original  
1087 invoice date, the city may, at its option, proceed to adopt an ordinance levying the  
1088 charges for such work plus fifteen (15) percent collection charges as an assessment to be  
1089 added to the annual ad valorem tax bill of the premises or property involved.

1090 (b) The entity effecting collection shall be reimbursed fifteen (15) percent of the amount  
1091 of such charges actually collected from the proprietary party and/or owner of the  
1092 premises or property involved.

1093 (c) Demolition costs, court costs, hearing costs, administrative fees, and any other fines  
1094 assessed to a violator, if not paid timely pursuant to this section or a court order may be  
1095 placed on the tax rolls for collection.

1096 Sec. 58-54. - Violations; penalty for disregarding or removing notices or orders.

1097 (a) The owner of any "dangerous" structure who shall fails to comply with any order to  
1098 repair, vacate, demolish or secure said building by any person authorized by this article  
1099 to give such order shall be guilty of a misdemeanor.

- 1100 (b) The occupant or lessee in possession, who fails to comply with any order to vacate,  
1101 and anyone having an interest in said building as shown by the mortgage and  
1102 conveyance records of the city where the land is located, and under a legal duty to  
1103 repair, who fails to repair or secure said building in accordance with any order given as  
1104 provided for in this article, shall be guilty of a misdemeanor.
- 1105 (c) Any person removing any notice provided for in this article shall be guilty of a  
1106 misdemeanor.
- 1107 (d) Each day that any violation of the above subsections continues shall constitute a  
1108 separate offense.
- 1109 (e) Violation of any of the above subsections shall be punishable as provided in section 1-  
1110 10 or as in of Chapter 19 this Code.

1111 Sec. 58-55. - Emergencies.

- 1112 (a) In cases where it reasonably appears that there is immediate danger to the health, life  
1113 or safety of any person unless a "dangerous building," as defined herein, is  
1114 immediately repaired, vacated, demolished or secured, or where said dangerous  
1115 building is within one thousand (1,000) feet of a school placing school children in  
1116 danger, the inspector shall report such facts to the director of the Regulatory  
1117 Department. If the director finds that there is in fact an immediate danger to the health,  
1118 life or safety of any person unless the building is immediately repaired, vacated,  
1119 demolished or secured, or where said dangerous building is within one thousand (1,000)  
1120 feet of a school placing school children in danger, he shall cause the immediate repair,  
1121 vacation, demolition or securing of such building, without any requirement for notice to  
1122 the owner or interested parties in advance.
- 1123 (b) Whenever the director causes a building to be repaired, vacated, demolished or  
1124 secured pursuant to this section, he shall cause a notice, as described in this article, to  
1125 be posted on the building.

1126 Further, whenever the director causes a building to be repaired, vacated, demolished or  
1127 secured pursuant to this section, he shall also cause notice to be given to the owners and  
1128 lien holders of the building, all persons having possession of any portion thereof, and all  
1129 other persons who may have an interest in the building that a hearing will be held  
1130 concerning the orders issued in connection therewith, and whether the building constitutes  
1131 a "dangerous building." The notice shall set forth the specific conditions which render the  
1132 building a dangerous building within the standards set forth in this article, the date, time  
1133 and place of such hearing, that all persons having an interest in the building may appear in  
1134 person and/or be represented by an attorney, and may present testimony and may cross-  
1135 examine all witnesses. The notice shall comply with the provisions set out in Chapter 19 of  
1136 this Code, however, the hearing shall be held as soon as it is reasonably possible, but in no  
1137 case later than ten (10) days after the director of the Regulatory Department has caused the  
1138 building to be repaired, vacated, demolished or secured, unless all persons having either an  
1139 ownership interest or a possessory interest in the building request a continuance of the  
1140 hearing. At such a hearing, the burden shall be upon the city to show that there was an  
1141 immediate danger to health, life or safety, or said dangerous building is within one  
1142 thousand (1,000) feet of a school placing school children in danger, necessitating immediate  
1143 action, and whether the building constitutes a dangerous building within the provisions of  
1144 this article at the time of the hearing. After completion of the presentation of the testimony  
1145 by all parties appearing, the hearing officer shall make written findings of fact as to whether  
1146 or not the dangerous building is within one thousand (1,000) feet of a school placing school  
1147 children in danger, or the building was an immediate danger to health, life or safety  
1148 necessitating the action taken by the director of the Regulatory Department, and whether  
1149 the building was a dangerous building within the provisions of this article. If the hearing  
1150 officer finds that the dangerous building is within one thousand (1,000) feet of a school  
1151 placing school children in danger or there was an immediate danger to public health, life or  
1152 safety that required the action that was taken, all administrative expenses and any cost of  
1153 repair or demolition shall be calculated and assessed the owners of the building, and shall  
1154 constitute a lien and privilege on the land on which the building stands or stood, which shall  
1155 bear interest as provided in this article. If the hearing officer finds that the building, at the  
1156 time of the hearing, constitutes a dangerous building within the provisions of this article, he  
1157 shall issue an order for its abatement as set out in this article. The provisions in this article  
1158 shall be applicable to any such order.

1159 Sec. 58-56. - Cleanup after demolition or removal of structures.

1160 (a) Within thirty (30) days after any building or structure is demolished or removed from  
1161 any lot or tract of land:

1162 (1) All debris must be removed from the property;

1163 (2) All holes or depressions in the ground must be filled to grade level;

1164 (3) All lumber, pipes and all other building materials must be removed from the  
1165 property or stored in such a manner that they are not a hazard to safety and do not  
1166 create a condition where rats are likely to live or mosquitoes likely to breed;

1167 (4) All pipes and conduits must be removed from above grade and must be removed  
1168 or sealed below grade;

1169 (5) All piers, pilings, steps, foundations, slabs and other appurtenances must be  
1170 removed above grade unless otherwise specified in a court order.

1171 (b) Each owner and each person having control over the property on which the building  
1172 or structure stood prior to removal or demolition is individually responsible for  
1173 completing such work or causing such work to be completed.

1174 Sec. 58-57. - Notice to complete work.

1175 Whenever it shall come to the knowledge of the inspector, city attorney's office or a  
1176 hearing officer designated pursuant to Chapter 19 of this Code that a building or structure  
1177 has been demolished or removed and that the work required in this article has not been  
1178 completed, the city attorney's office or hearing officer may institute contempt proceedings  
1179 or cause written notice to be given as provided in Chapter 19 of this Code, setting out the  
1180 work required by this article which has not been completed. If a notice is provided, the  
1181 owner of the property or person having control over the property to complete or cause to be  
1182 completed all work required by this article within thirty (30) days of service of such notice.

1183 Sec. 58-58. - Penalty.

1184 (a) Any person failing to comply with the any law, ordinance herein, or to comply with the  
1185 order of a court of competent jurisdiction shall be punishable as provided in this Code  
1186 of Ordinances and/or by work performed by the city at the expense of the owner via  
1187 placement of a lien. Each day such work is not completed in violation of this article  
1188 shall constitute a separate offense.

1189 (b) Any judgment rendered in favor of the City of Harahan for failing to comply with any  
1190 law or ordinance herein shall be assessed an administrative fee in the amount of five  
1191 hundred dollars (\$500.00) in connection with general administrative expenses  
1192 associated with inspection, locating owners, conduction hearing, issuing notices and  
1193 other administrative functions.

1194 ARTICLE VII. - CARWASH NUISANCE

1195 Sec. 58-59. - Declaration as nuisance.

1196 Any carwash that emits noise from dryers, buzzers, blowers, vacuums, speaker systems,  
1197 or the like is hereby declared a nuisance if; (1) the sound level at the boundary of the  
1198 property exceeds the sound level limit set forth in Chapter 54 of this Code

1199 Sec. 58-60. - Notice of violation.

1200 (a) Notice of violations may be provided pursuant to Chapter 19.

1201 (b) Any violation of this section may be brought before the bureau of administrative  
1202 adjudication.

1203 Sec. 58-61. - Penalties.

1204 If the trier of fact finds any individual or entity in violation of this article, hearing costs,  
1205 fines and penalties may be imposed as provided in this Code, and corrective measures may  
1206 be ordered including, but not limited to, the construction of sound absorbing or deflecting  
1207 walls up to the maximum allowable height, installation of carwash doors or stationary  
1208 windows, requiring speakers and buzzer volume to be decreased, requiring mufflers on  
1209 dryers, requiring dryers, vacuums, speakers, or buzzers to be turned off at night, imposing

1210 hours of operations on twenty-four-hour repeat offender violators, or any other measure that  
1211 may eliminate the nuisance.

1212 SECTION 2. Chapter 58, Article III “Distribution of Printed Matter” of the  
1213 Harahan Code of Ordinances shall be redesignated Chapter 58, Article VIII and Secs. 58-  
1214 41—58-47 shall be renumbered as Secs. 58-62—58-68

1215 SECTION 3. If any provision of this ordinance is held to be invalid or otherwise  
1216 unenforceable by the final judgment of a court of competent jurisdiction, such invalidity  
1217 shall not affect the validity of any of the remaining provisions of this ordinance that may be  
1218 given effect without the invalid provision; and to this end, the provisions of this ordinance  
1219 are hereby declared to be severable.

1220  
1221 SECTION 4. All ordinances or parts thereof of the City or Harahan in conflict with this  
1222 ordinance are hereby repealed.

1223  
1224 The ordinance having been considered by section and as a whole, a vote was taken  
1225 and the vote was as follows:

1226  
1227 YEAS:  
1228 NAYS:  
1229 ABSENT:  
1230 ABSTENTION:

1231  
1232 This Ordinance was declared adopted on this \_\_\_\_\_ day of \_\_\_\_\_, 2019  
1233 to become effective immediately upon signature of the Mayor or upon expiration of  
1234 the time period without the signature of the Mayor.

1235  
1236  
1237  
1238 \_\_\_\_\_  
1239 TIMOTHY BAUDIER Mayor  
1239 \_\_\_\_\_  
NICOLE LEE  
City Clerk

1240