

CITY OF ST. GEORGE

BY COUNCIL MEMBER HECK:

ORDINANCE NO. 2024-021

AN ORDINANCE TO ENACT TITLE 12, CHAPTERS 5, 8, AND 11 RELATIVE TO THE ELIMINATION OF BLIGHT AND TO PROVIDE FOR RELATED MATTERS

WHEREAS, the Council for the City of St. George, finds that conditions affecting premises, including but not limited to noxious weeds, overgrown vegetation, and dilapidated, condemned, or abandoned structures (“blight”) are hazardous to the health, safety or welfare of the public, and/or conditions which are detrimental to property values, economic stability, or to the quality of the environment.

WHEREAS, the Council for the City of St. George, finds the presence of blight conditions constitute a public nuisance.

WHEREAS, the Council for the City of St. George, desires to enact ordinances to eliminate blight conditions in the City by providing for the designation of certain blighted areas as a community improvement area, establishing a blight elimination team, providing regulations for the condemnation and demolition of dangerous buildings, and the eradication of noxious weeds, grass or other deleterious, unhealthful, or noxious growths.

BE IT ORDAINED by the St. George City Council, State of Louisiana, Title 12. Nuisances, Chapter 5 Weeds, Grass, and Noxious Growths, Chapter 8, Dangerous Buildings, and Chapter 11 Blight Elimination are enacted as follows:

Section 1. Enactment

Title 12. NUISANCES

Chapter 5. WEEDS, GRASS AND NOXIOUS GROWTHS

Sec. 12:501. Maintenance required.

- (a) Property shall be maintained in a safe and sanitary condition. Noxious weeds, grass or other deleterious, unhealthful, or noxious growths on sidewalks or banquettes and on any lot, place, or area within the City of St. George shall be destroyed or otherwise removed. Grass, weeds, or other growths in excess of ten inches in height shall be presumed to be deleterious, unhealthful, and noxious growths. This Section shall not apply to land used for:
 - (1) The grazing of livestock or other agricultural purpose; or
 - (2) Tracts of land of two or more acres except for any portion of the tract that is within 100 feet of any residential or commercial structure.

- (b) The owner of the lot, place, or area, or the owner of the abutting property where the weeds or growths are to be removed, as shown on the last assessment roll shall have an opportunity to remove any noxious weeds, grass or other deleterious, unhealthful or noxious growths within five days after notice has been given to him by certified or registered mail, addressed in accordance with the tax rolls of East Baton Rouge Parish, the Certified Mail Receipt for which shall serve as proof of such notice. If the owner fails to do so, the City is hereby authorized to cut, destroy, and remove such noxious weeds, grass or other deleterious, unhealthful, or noxious growths at the owner's expense.
- (c) The City may undertake the cutting, destruction, or removal of noxious weeds or grass or other deleterious, unhealthful, or noxious growths on any property within the City on a monthly basis without the notice required in Subsection (b) of this Section, if the property owner liable has been notified pursuant to said Subsection at any time during the immediately preceding 12 months and has failed to do the work himself after opportunity to do so. However, prior to undertaking such work, the City shall file and record an affidavit, signed by the Mayor or his designee, at its administrative office. Such affidavit shall include the following:
 - (1) A description of the property sufficient to reasonably identify it.
 - (2) A photograph of the property sufficient to reasonably identify its unsafe or unsanitary condition and to justify the necessity for cutting, destroying, or removing weeds, grass, or other noxious growths.
 - (3) A statement that the property owner liable has within the past 12 months failed to do such work after notification and opportunity to do so pursuant to Subsection (b) of this Section.
- (d) The charges, costs, and expenses incurred by the City in enforcing the provisions of this Section shall, to the extent of the actual cost thereof to the City, be a charge, cost, or expense of the property abutting the sidewalk or banquette or of the lot, place, or area, and the owner thereof. If, after the cutting, destruction, or removal of such weeds, grass, or growths, by the City after due notice as above provided, the cost or expense thereof has not been paid within ten days, the City shall furnish the owner, as shown on the last assessment roll of the Parish of East Baton Rouge, by registered mail, a written statement showing the cost or expense incurred for the work, and the place or property on which the work was done. If the said statement is not paid within one month thereafter, the amount thereof may be included in and form part of the taxes due by the owner of said property following administrative hearing held pursuant to Title 4 of the Code of Ordinances for the City of St. George or by a court of competent jurisdiction. When collected, said amount shall be credited to the general fund of the City.
- (e) The provisions of this Section shall not constitute the exclusive remedies available to the City to abate nuisances and recover costs of abatement under any other provision of law now in effect or hereinafter adopted.

Chapter 8. DANGEROUS BUILDINGS

Sec. 12:800. Authority to condemn.

The City Council may condemn and cause to be demolished or removed any building or structure within the City of St. George when it is in a dilapidated and dangerous condition that endangers the public welfare.

Sec. 12:801. Recommendation of removal; notice; service; condemnation in emergency.

- (a) Before the City Council may condemn any building or structure, there must be submitted to it a written report recommending the demolition or removal of the building signed by the building official or other person authorized to act in such matters for the City of St. George. The Mayor shall thereupon serve notice on the owner of the building or structure requiring him to show cause at a meeting of the City Council, regular or special, why the building or structure should not be condemned. The date and hour of the meeting shall be stated in the notice which shall be served at least ten days prior to the date of the hearing, except in case of grave public emergency as hereinafter provided.
- (b) The notice required by Subsection (a) may be served by any of the following methods:
 - (1) By the Sheriff or Chief of Police having jurisdiction and power to serve legal process where the owner of the building or structure is found in the state, and the officer shall make return of the service as in ordinary cases.
 - (2) By mailing it via the United States Postal Service, by either registered mail or certified mail, return receipt requested, to the owner at the owner's last known address.
 - (3) Service by registered or certified mail shall be considered personal service if the certified return receipt or the return form is signed by the addressee. Service by registered or certified mail shall be considered domiciliary service if the certified return receipt or the return form is signed by anyone other than the addressee.
 - (4) If the registered or certified mail is returned for failure to obtain a signature on the return receipt form or returned due to refusal of delivery, service may be accomplished by first class mail, with a certificate of mailing. Service by first class mail in accordance with this subparagraph shall be considered personal service and is effective when mailed.
- (c) If the owner is absent from the state or unrepresented therein, then the notice shall be served upon the occupant of the condemned building or structure, if any, and also an Attorney appointed by the Mayor to represent the absentee. Domiciliary service may be made as in ordinary cases.
- (d) In case of grave public emergency where the condition of the building is such as to cause possible immediate loss or damage to person or property, the Council may condemn the building after 24 hours' notice served upon the owner or his agent or the occupant and attorney-at-law appointed to represent the absent owner. Any such notice may be attached to a door or main entrance of the premises or in a conspicuous place on the exterior of the

premises and shall have the same effect as delivery to or personal service on the owner, occupant, or attorney at law appointed to represent the absentee owner.

- (e) (1) Any notice served pursuant to this Section shall be filed by the City with the recorder of mortgages where the property is located. Once filed, said notice shall be deemed notice to all subsequent transferees. Any transferee of such property takes the property subject to all recorded liens, mortgages, and notices thereunto pertaining.
- (2) For purposes of any type of funding assistance being sought by the building or structure owner, any notice served pursuant to this Section shall be de facto proof that the building or structure is more than 50% damaged.

Sec. 12:802. Condemnation order; demolition.

- (a) After the hearing, if, in the opinion of the City Council, the facts justify it, an order shall be entered condemning the building and ordering that it be demolished or removed within a certain delay. If repairs will correct the dilapidated, dangerous or unsafe condition, the City Council may grant the owner the option of making such repairs, but in such a case the general nature or extent of the repairs to be made, the time thereof, and the defects to be corrected, shall be specified in the decision of the City Council. It shall be mandatory for the Mayor to proceed with the demolition of condemned structures not later than 30 days after the expiration of the delays permitted by the City Council for the owner to either repair or demolish the subject building or structure.
- (b) The decision and order of the City Council shall be in writing and shall be final unless appealed from within five days as hereinafter provided.

Sec. 12:802.1. Signs to be posted at condemned buildings.

Once a building or structure has been condemned by order of the City Council, the Department of Public Works shall post a sign upon the property notifying the public of the classification of the building or structure as a vacant uninhabitable building. The criminal penalties for trespass and vandalism shall be stated on the sign. The sign shall read as follows:

"By order of the St. George City Council, this structure has been classified as a vacant, uninhabitable building. Trespass and vandalism are prohibited and punishable by law."

Sec. 12:803. Appeal from Council order.

- (a) The owner, occupant, agent or other representative of the owner may appeal from the decision of the City Council to the Nineteenth Judicial District Court. The appeal shall be made by the filing of a suit against the City of St. George, setting forth the reasons why the decision or order of the City Council is illegal or improper and the issue shall be tried de novo and by preference in the District Court. Where a public emergency has been declared by the City Council, the owner of the building who desires to prevent the demolition or removal thereof must file his petition within 48 hours of the posting of the notice of the demolition or removal order on the property and must, at the time of the

filing of the petition, furnish such bond as may be fixed by the district judge to cover any damage that may be caused by the condition of the building.

- (b) Either party may appeal from the judgment of the District Court as in other cases.

Sec. 12:804. Repair or demolition of building.

- (a) The owner or his designated agent may proceed to demolish and remove the building, or have it repaired, in accordance with the order of the City Council, provided the owner or his agent executes a contract in writing obligating himself to have the work done within the required time and files with the Mayor a copy of the contract, together with a bond to guarantee performance.
- (b) If the owner or occupant of the building or structure fails or refuses to comply with the decision of the City Council and fails to appeal therefrom within the legal delays provided herein, then, in that event, the Mayor may proceed with the demolition or removal of the condemned building or structure, in which case neither the Mayor nor the City of St. George shall be liable in damages.
- (c)
 - (1) Prior to the demolition or removal of the building or structure by the City, the Mayor or some official designated by him, shall serve notice on the owner, or his agent, and on the occupant of the building, if any there be, or upon the Attorney appointed to represent the minor, interdict or absentee owner, giving the time when work will begin upon the demolition or removal of the building, structure, or public nuisance.
 - (2) Notwithstanding Subsection (c)(1), in cases of grave public emergency, the posting of the notice attached to the door or main entrance of the premises or in a conspicuous place on the exterior of the premises giving the time when work will begin upon the demolition or removal of the building, structure, or public nuisance shall be considered sufficient notice to the owner, occupant, or attorney at law appointed to represent the absentee owner.

Sec. 12:805. Costs of demolition to be a lien on property.

- (a) The City of St. George shall have a lien and privilege upon an immovable and its improvements, and the owner is personally liable for:
 - (1) The cost to the City of maintenance of the immovable or improvements; and
 - (2) The cost to the City of demolishing or removing, or both, the building or structure situated upon the immovable or improvements, and all attorney fees incurred by the City in connection with such demolition or removal.
- (b) "Maintenance" shall include but not be limited to grass cutting, weed abatement, and trash and garbage removal.
- (c) The privilege and lien shall be preserved and enforced only after the owner has refused, after notification by the City and reasonable opportunity to be heard, to pay the costs incurred by the City.

- (d) In order to preserve the lien and privilege it shall be the duty of the Mayor to prepare and sign a sworn statement of facts, giving the description of the property and the approximate cost incurred by the City in demolishing or removing the building or structure, which statements of facts he shall cause to be filed and recorded in the mortgage office of the East Baton Rouge Parish.
- (e) (1) The lien and privilege shall be enforced by ordinary process in the Nineteenth Judicial District Court within three years after it is perfected. Alternatively, the privilege and lien may be enforced by assessing the amount of the privilege and lien against the immovable as a tax against the immovable, to be enforced and collected as any ordinary property tax lien to be assessed against the property; the lien and privilege may be collected in the manner fixed for collection of taxes and shall be subject to the same civil penalties for delinquencies. After the City has incurred such costs as constitute the lien and privilege on the property, the Mayor may send an attested bill of said costs and expenses which constitute the lien and privilege to the tax assessor of the parish in which the property is located, who shall add the amount of the bill to the next tax bill of the owner. The lien obtained by the City pursuant to proper notification and filing shall include not only the costs provided for in Subsection (a) of this Section but shall include all attorney fees and all costs of court incurred in the locating of the owner, the notification of the owner, and the enforcement and collection of the amount secured by the lien against the immovable and the improvements.
- (2) The City may also recover interest on the amounts secured by the lien. The interest shall not exceed the rate of legal interest provided in La. R.S. 9:3500 and shall be computed from the date of recordation of the lien until paid. The privilege and lien of the City shall prime all other liens or privileges against the property filed after the notice to the owner to show cause is filed with the recorder of mortgages pursuant to La. R.S. 33:4762(D), regardless of the date on which the lien and privilege of the City is perfected, except that the lien and privilege of the City will not prime other tax liens against the property.
- (f) The lien of the City shall not be cancelled until after payment of all amounts, including costs, attorney fees, and interest.
- (g) In addition to the lien and enforcement procedures authorized under this section, the City has a cause of action against the owner personally for the costs incurred by the City, if such owner is not indigent and has the ability to pay a judgment obtained by the City. Such action may be brought by ordinary proceeding in any court of competent jurisdiction.
- (h) (1) If property, which may be subject to a lien and privilege granted in favor of the City under this Section, is owned in indivision and the owners in indivision, with their proportionate share in the property, are listed separately by the tax assessor on the ad valorem tax roll for the parish or municipality, then the City shall notify each owner in indivision of his liability under this Section.
- (2) Upon failure of each owner in indivision to pay his proportionate share of the charges incurred under this Section, that part of the property for which the charges are not paid shall be subject to a lien and privilege in favor of the City as provided in this Section.

(3) Notwithstanding the provisions of Subsection (f) of this Section to the contrary, upon payment by an owner in indivision of his proportionate share listed on the ad valorem tax roll for the parish or municipality of the charges, attorney fees, and interest incurred under this Section, and after certification of such proportionate interest by the assessor, the lien and privilege granted under this Section shall be removed from the proportionate interest of the paying owner in indivision. If outstanding charges levied under this Section are added to the annual ad valorem tax bill, the proportionate payment by the paying owner in indivision shall be reflected on the bill, and his interest in the property free of such charge shall be distinguished on the tax bill.

(4) Notice of the lien and privilege required herein shall be made upon the owners in indivision at their actual address or the last known address listed on the tax rolls of the parish or municipality.

Sec. 12:806. Attorney to be appointed to represent absent or minor owner.

If the building or structure is unoccupied and its owner is absent from the state and unrepresented therein, or if the building is owned by a minor who has no tutor or an interdict who has no curator, the Mayor shall appoint an Attorney to represent the absentee, minor or interdict upon whom the notices and other proceedings provided therein may be served. The attorney shall be paid a reasonable fee to be taxed as cost.

Sec. 12:807. Alternative to demolition; repair by City.

(a) (1) Notwithstanding any other provision of law to the contrary, the City, as an alternative to demolition or removal, may make the repairs necessary to correct the defects in a condemned structure within its jurisdiction.

(2) The City may take such action only after a demolition or removal order has been issued and the delay for a legal appeal has run, or an appeal has been denied, and when in the discretion of the City such action will restore the structure to a state of usefulness to the community.

(3) The decision of the City to repair the structure may be appealed in the same manner as provided in Section 12:803.

(b) The costs of repairs made pursuant to Subsection (a) and a 10% penalty thereon shall be reimbursed by the owner of the condemned property, and such costs and penalty shall operate as a lien and privilege on the property in favor of the City. Until such time as the costs and penalty have been paid, the City may lease such property and apply all revenue received to the amount owed by the owner and to the necessary maintenance of the structure.

Chapter 11. BLIGHT ELIMINATION

Sec. 12:1100. Blight elimination plan.

Elimination of blight in the City of St. George shall be accomplished by methodically selecting blighted areas within the City which need the most urgent attention and designating those areas as "community improvement areas" by resolution of the City Council in accordance with the

criteria set out in Section 12:1102 of this Chapter. Once a community improvement area has been designated, it shall receive concentrated blight elimination efforts until the blight within the community improvement area has been diminished to the extent that such efforts are no longer necessary.

Sec. 12:1101. Definition of blight.

For purposes of this chapter, the term "blight" shall be defined as conditions upon or affecting premises, which are hazardous to the health, safety or welfare of the public, and/or conditions which are detrimental to property values, economic stability, or to the quality of the environment. Such conditions may include, but are not limited to, the following: the accumulation of junk, trash, garbage, litter, refuse, rubbish, appliances, debris, combustible materials, or junked inoperable vehicles (vehicles which are ten years old or older, in such a state of deterioration that they cannot be profitably restored and which have a fair market value of \$500 or less); illegal dumping; noxious weeds; overgrown vegetation; infestation of insects, vermin or rodents; animals running at large; dilapidated structures; condemned properties; abandoned adjudicated properties; criminal violations; weed liens, zoning violations; alcohol beverage control violations; health code violations; and other conditions which are hazardous to public health, safety or welfare.

Sec. 12:1102. Community improvement area criteria.

In order for an area to be designated as a community improvement area, the area must have a significant concentration of conditions of blight as defined in Section 12:1101 of this Chapter as compared with other areas within the City.

Sec. 12:1103. Blight elimination team.

The City Council may create a blight elimination team and provide for its membership.

Sec. 12:1104. Responsibilities of blight elimination team.

- (a) The blight elimination team shall be responsible for recommending the community improvement area for elimination of blight, which shall be approved by the City Council by resolution.
- (b) City services shall perform an inspection of the community improvement area to determine the existence of any zoning violations and to evaluate which properties are threats to public safety and health.
- (c) The City Police Department shall be responsible for determining the locations upon which drug selling, prostitution, crimes of violence and other offenses which may constitute a public nuisance or may affect the quality of life are ongoing.
- (d) The City Attorney shall prepare a report of the status of adjudicated properties in the area.

- (e) City Services shall determine whether abandoned properties in the area should be condemned.
- (f) The Fire Department shall inspect the area and report any potential fire hazards which are found to the team.

Sec. 12:1105. Meetings.

The Mayor's office shall set a date for meetings, during which the team shall deliver the reports and develop a specific action plan for elimination of blight in the area along a designated time line. Regular meetings shall be set for the acceptance of progress reports and the team shall be responsible for making semi-annual status reports to the Mayor and the City Council regarding the progress of blight elimination within the community improvement area.

Sec. 12:1106. Funding and service projects.

The blight elimination team shall make every effort to coordinate with community organizations in order to establish volunteer service projects, including rehabilitation and repair, to assist residents with the elimination of blight. Additionally, funding for concentrated blight elimination efforts shall be made available from the office of community development block grants.

Sec. 12:1107. Penalty for maintaining blight.

Notwithstanding any other provision of law to the contrary, and in addition to any other remedy provided by law, any person who allows blight, as defined herein, to be created, to remain, or to exist, on property which is in his or her custody, control, or ownership, shall be guilty of maintaining blight, which shall be punishable as a misdemeanor. The penalty for violation of this Section shall be a fine of not more than \$500. Each calendar day that such violation exists shall be considered a separate violation.

Section 2. Effective Date

This Ordinance shall be effective upon publication.

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

For: Cook, Edmonds, Heck, Himmel and Monachello
Against: NONE

Adopted this 24th day of September, 2024.

Signed this 1st day of October, 2024.

Delivered to Mayor on the 1st day of October, 2024:

Lorraine Beaman

Lorraine Beaman, City Clerk

Approved:

Dustin Yates

Dustin Yates, Mayor

Received from Mayor on the 1st day of October, 2024:

Lorraine Beaman

Lorraine Beaman, City Clerk

Adopted Ordinance published in *The Advocate* on the 11th day of October, 2024.