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**CITY OF ST. GEORGE**

BY COUNCILMEMBER COOK:

**PROPOSED ORDINANCE NO. 2024-\_\_\_\_\_**

AN ORDINANCE TO ENACT TITLE 4, ADMINISTRATIVE  
ADJUDICATION AND TO PROVIDE FOR RELATED  
MATTERS

WHEREAS, La. R.S. 13:2575, et seq. provides a municipality with the authority to prescribe civil fines for violation of public health, housing, fire code, environmental, and historic district ordinances, blighted property, or abandoned property in the municipality and adopt ordinances for administrative adjudication procedures regarding such violations.

BE IT ORDAINED by the St. George City Council, State of Louisiana, Title 4, Administrative Adjudication is enacted as follows:

**Section 1. Enactment**

**TITLE 4. ADMINISTRATIVE ADJUDICATION  
CHAPTER 1. ADMINISTRATIVE ADJUDICATION PROCEDURE.**

**Sec. 4:101. Division of Administrative Adjudication**

The Division of Administrative Adjudication is hereby established within the City of St. George.

**Sec. 4:102. Administrative hearings**

All alleged violations of any City of St. George's ordinance, including, but not limited to, ordinances regulating public health, environment, housing, building codes, fire codes, nuisances, zoning, licensing, permitting, and animals, may be adjudicated pursuant to the provisions of this chapter.

**Sec. 4:103. Hearing officers**

- (a) The Mayor shall appoint, subject to approval by the Council, one or more hearing officers who have practiced law for at least two years and shall serve at the discretion of the Mayor.
- (b) Prior to assuming office, all hearing officers appointed shall take an oath of office to uphold the constitution, laws of the state, and City ordinances. Hearing officers shall abide by the provisions of the Louisiana Code of Governmental Ethics.

47 **Sec. 4:104. Powers of hearing officers**  
48

49 Each hearing officer appointed shall have authority granted by state law including, but not limited  
50 to, the authority to:

- 51 (1) Administer oaths and affirmations.
- 52 (2) Issue orders compelling the attendance of witnesses and defendants and the production  
53 of documents.
- 54 (3) For each separate violation, levy fines, fees, penalties, and hearing costs.
- 55 (4) Order violators to correct violations within a stipulated time.
- 56 (5) Take necessary and lawful measures to effect correction of the violation if the violator  
57 fails to do so within the time allocated by the hearing officer.
- 58 (6) Record orders, judgments, notices of judgments, or liens in the mortgage records for  
59 East Baton Rouge Parish.

60  
61 **Sec. 4:105. Authority of hearing officers**  
62

- 63 (a) Hearing officers shall have the authority to hear and decide alleged violations of all City  
64 of St. George ordinances, including but not limited to, ordinances regulating public health,  
65 environment, housing, building codes, fire codes, nuisances, zoning, licensing, permitting,  
66 and animals.
- 67  
68 (b) In accordance with Section 4:107 of this chapter, the hearing officer may impose hearing  
69 costs of not more than \$250 and may impose a civil fine. Unless established otherwise by  
70 the Code of Ordinances, that fine may not exceed \$25 per violation. Each day of a violation  
71 shall constitute a separate violation.

72  
73 **Sec. 4:106. Hearing procedure**  
74

- 75 (a) **Notice.** At least 15 days in advance of an administrative hearing, the City shall send notice  
76 by certified or registered United States mail to the violator or through personal service on  
77 the violator at the address listed in the assessor's office for East Baton Rouge Parish. The  
78 date of the postmark shall be deemed to be the date of delivery. Any notification so sent  
79 and returned by the United States Postal Service shall be considered as having fulfilled the  
80 notification requirement. The notice shall include:
  - 81 (1) the time, date, and location of the hearing, and shall describe the violation(s) alleged,
  - 82 (2) the amount or nature of possible penalties,
  - 83 (3) a statement that the alleged violator is entitled to legal representation,
  - 84 (4) information to permit the violator to communicate with the enforcement department  
85 before the hearing,
  - 86 (5) a statement that failure to appear at the hearing shall constitute an admission of the  
87 charged violation, and
  - 88 (6) notice that if a violation is abated before the hearing, the hearing may be canceled,  
89 except where the alleged violation is a violation of Title 12, Chapter 4 of this Code of  
90 Ordinances, in which case abatement after notice of the violation of the placing  
91 promotional advertisements in the public right of ways shall not be a defense or cause  
92 for cancellation of the hearing.

93  
94 (b) **Failure to Appear.** The failure of any person charged with a violation to appear at the  
95 hearing shall be considered an admission of liability for the charged violation. However,  
96 the alleged violator's physical presence shall not be required at the hearing if documentary  
97 evidence, duly verified by such person, is submitted to the hearing officer prior to the date  
98 of the hearing. The hearing officer may vacate any order issued based on a failure to appear  
99 if, in the officer's sound discretion, the interest of justice requires a hearing.

100  
101 (c) **Hearing procedure.** Administrative hearings shall be conducted under the rules of  
102 evidence of the Louisiana Administrative Procedure Act. Testimony by any person shall  
103 be under oath. The person charged with the violation may present any relevant evidence  
104 and may be represented by an attorney at law. Evidence on behalf of the City shall be  
105 presented by the City Attorney or his/her designee. Any order compelling the attendance  
106 of witnesses, or the production of documents may be enforced by the district court having  
107 jurisdiction over the witness. The burden of proof shall be upon the City, and a finding that  
108 the alleged violator did violate the ordinance as charged must be based upon a  
109 preponderance of the evidence. Where the finding of a violation is based upon the alleged  
110 violator's failure to appear at the hearing, the decision shall be based upon a prima facie  
111 showing of violation.

112  
113 (d) **Ruling of Hearing Officer.** The hearing officer shall issue a written order within 30 days,  
114 excluding legal holidays, of the hearing stating whether or not the person charged is liable  
115 for the violation, the amount of any civil fine, penalty, costs, or fees assessed, and a date  
116 by which the violation shall be corrected, if applicable. The order may be served upon the  
117 violator either by personal service or by regular mail. The hearing officer, for good cause,  
118 may suspend all or a portion of his order(s) and may make any suspension contingent on  
119 the fulfillment of some reasonable condition.

120  
121 **Sec. 4:107. Additional procedure for determination of Blight or Abandonment of Property**  
122 **Determination**

123  
124 The term "blight" shall mean a commercial or residential premise as defined in Section 12:1101  
125 of this Code of Ordinance or declared a public nuisance either by a court of competent jurisdiction,  
126 by an administrative hearing officer acting pursuant to competent jurisdiction, or by an  
127 administrative hearing officer acting pursuant to La. R.S. 13:2575 et seq., or any other applicable  
128 law. In addition to the requirements identified in Section 4:106, if an administrative hearing is for  
129 the determination of blight or abandonment of property:

130 (1) notice of the administrative hearing shall:

131 (a) be given at least 30 days in advance of the administrative hearing.

132 (b) include an explanation that the purpose of the hearing is to determine whether the  
133 subject property is blighted or abandoned.

134 (2) the hearing officer's written order shall include a statement as to whether the property was  
135 determined to be blighted or abandoned and the amount of any civil fine, penalty, costs, or  
136 fees assessed. The hearing officer shall send the notice by certified or registered United  
137 States mail or have the order personally served on the property owner at the address listed

138 in the assessor's office for East Baton Rouge Parish and on each mortgagee of record at the  
139 address provided in the recorded mortgage.

140  
141 **Sec. 4:107. Remedy**

- 142
- 143 (a) **Fines, penalties, costs, and fees.** Fines, penalties, costs, and fees may be collected or  
144 enforced by the City in any manner authorized by law. Any such fines, penalties, costs, and  
145 fees shall be directed to the City's city-services provider for inclusion in the City's general  
146 fund.
- 147
- 148 (b) **Civil enforcement action.** The City Attorney is authorized to file a civil action in the  
149 19th Judicial District Court to enforce the orders of the hearing officer if the violator fails  
150 to comply with any order assessing a fine, penalty, cost, or fee or fails to correct the  
151 violation as ordered by the hearing officer.
- 152
- 153 (c) **Failure to Abate.** Where the violator fails to abate the violation after being ordered to do  
154 so by the hearing officer, the City may undertake to correct the violation, and the cost of  
155 such may be made available to the hearing officer who may impose that amount upon the  
156 violator as a cost, and who shall issue an additional order which shall set out any additional  
157 costs imposed. That order shall be served upon the alleged violator in the same manner as  
158 set forth in subsections (d).
- 159
- 160 (d) **Lien, Privilege, and Judicial Mortgage.** The City shall have a lien and privilege against  
161 the immovable property in or in which the violation occurred. The lien and privilege shall  
162 secure all penalties, fees, fines, and costs assessed in accordance with this Chapter and  
163 described in the order, judgment, notice of judgment, or lien. For the lien and privilege to  
164 arise and exist, the City Attorney shall record in the mortgage records of East Baton Rouge  
165 Parish a certified copy of an order imposing any fines, costs, penalties, or other charges.  
166 Any liens placed against such immovable property shall be included in the next annual ad  
167 valorem tax bill and shall be paid along with such taxes, subject however, to any valid  
168 homestead exemption. In addition to the lien or privilege, the recordation shall have the  
169 effect of a judicial mortgage against the immovable property on which the violation  
170 occurred and may be enforced against the immovable property upon application to the 19th  
171 Judicial District Court for issuance of a writ in accordance with Louisiana Code of Civil  
172 Procedure Article 2253
- 173
- 174 (e) **Non-Exclusivity.** The remedies provided for herein are nonexclusive and may be pursued  
175 independently of each other and in addition to other remedies provided by law.

176  
177 **Sec. 4:107. Appeal**

178  
179 If the order requires that the violation be corrected, this order shall be interlocutory. If the  
180 order does not require abatement of the violation, the order shall be the final order. An appeal of a  
181 hearing officer's order shall be filed pursuant to state law. Service of notice of appeal under this  
182 Subsection shall not stay the enforcement and collection of the judgment unless the person who  
183 files the appeal furnishes security prior to filing a notice of appeal with the City's city-services

184 provider.

185

186 **Sec. 4:108. Records**

187

188 A copy of the notice of violation, the order or orders issued by the hearing officer, and all  
189 documentary evidence at the hearing shall be maintained by the City.

190

191 **Section 2. Effective Date**

192

193 This Ordinance shall be effective upon publication.

194

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

196

197 For:

198 Against:

199 Absent:

200 Abstained/Recused:

201

202 Adopted this \_\_\_\_ day of \_\_\_\_\_, 2024.

203

204 Signed this \_\_\_\_ day of \_\_\_\_\_, 2024.

205

206 Delivered to Mayor on the \_\_\_\_ day of \_\_\_\_\_, 2024:

207

208

209

210 \_\_\_\_\_  
Lorraine Beaman, City Clerk

211

212 Approved:

213

214

215

216 \_\_\_\_\_  
Dustin Yates, Mayor

217

218 Received from Mayor on the \_\_\_\_ day of \_\_\_\_\_, 2024:

219

220

221

222 \_\_\_\_\_  
Lorraine Beaman, City Clerk

223

224 Adopted Ordinance published in *The Advocate* on the \_\_\_\_ day of \_\_\_\_\_, 2024.

