

CITY OF ST. GEORGE

BY COUNCIL MEMBER COOK:

ORDINANCE NO. 2024-024

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

WHEREAS, La. R.S. 13:2575, et seq. provides the Council for the City of St. George 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.

Sec. 4:104. Powers of hearing officers

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

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

Sec. 4:105. Authority of hearing officers

- (a) Hearing officers shall have the authority to hear and decide alleged violations of all City of St. George ordinances, including but not limited to, ordinances regulating public health, environment, housing, building codes, fire codes, nuisances, zoning, licensing, permitting, and animals.
- (b) In accordance with Section 4:108 of this chapter, the hearing officer may impose hearing costs of not more than \$250 and may impose a civil fine. Unless established otherwise by the Code of Ordinances, that fine may not exceed \$25 per violation. Each day of a violation shall constitute a separate violation.

Sec. 4:106. Hearing procedure

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

- (b) **Failure to Appear.** The failure of any person charged with a violation to appear at the hearing shall be considered an admission of liability for the charged violation. However, the alleged violator's physical presence shall not be required at the hearing if documentary evidence, duly verified by such person, is submitted to the hearing officer prior to the date of the hearing. The hearing officer may vacate any order issued based on a failure to appear if, in the officer's sound discretion, the interest of justice requires a hearing.
- (c) **Hearing procedure.** Administrative hearings shall be conducted under the rules of evidence of the Louisiana Administrative Procedure Act. Testimony by any person shall be under oath. The person charged with the violation may present any relevant evidence and may be represented by an attorney at law. Evidence on behalf of the City shall be presented by the City Attorney or his/her designee. Any order compelling the attendance of witnesses, or the production of documents may be enforced by the district court having jurisdiction over the witness. The burden of proof shall be upon the City, and a finding that the alleged violator did violate the ordinance as charged must be based upon a preponderance of the evidence. Where the finding of a violation is based upon the alleged violator's failure to appear at the hearing, the decision shall be based upon a prima facie showing of violation.
- (d) **Ruling of Hearing Officer.** The hearing officer shall issue a written order within 30 days, excluding legal holidays, of the hearing stating whether or not the person charged is liable for the violation, the amount of any civil fine, penalty, costs, or fees assessed, and a date by which the violation shall be corrected, if applicable. The order may be served upon the violator either by personal service or by regular mail. The hearing officer, for good cause, may suspend all or a portion of his order(s) and may make any suspension contingent on the fulfillment of some reasonable condition.

Sec. 4:107. Additional procedure for determination of Blight or Abandonment of Property Determination

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

- (1) notice of the administrative hearing shall:
 - (a) be given at least 30 days in advance of the administrative hearing.
 - (b) include an explanation that the purpose of the hearing is to determine whether the subject property is blighted or abandoned.
- (2) the hearing officer's written order shall include a statement as to whether the property was determined to be blighted or abandoned and the amount of any civil fine, penalty, costs, or fees assessed. The hearing officer shall send the notice by certified or registered United States mail or have the order personally served on the property owner at the address listed

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

Sec. 4:108. Remedy

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

Sec. 4:109. Appeal

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

provider.

Sec. 4:110. Records

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

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 8th day of October, 2024.

Signed this 9th day of October, 2024.


Delivered to Mayor on the 9th day of October, 2024:


Lorraine Beaman, City Clerk

Approved:


Dustin Yates, Mayor

Received from Mayor on the 9th day of October, 2024:


Lorraine Beaman, City Clerk

Adopted Ordinance published in *The Advocate* on the 20th day of October, 2024.