TOWN OF GREENWOOD
PARISH OF CADDO, STATE OF LOUISIANA
ORDINANCE NO. 1 OF 2013

TITLE: AN ORDINANCE ESTABLISHING PROPERTY STANDARDS FOR THE TOWN OF GREENWOOD, PROVIDING FOR THE ADMINISTRATION AND ENFORCEMENT OF SUCH STANDARDS, SETTING PENALTIES FOR VIOLATION OF SUCH STANDARDS, AND OTHERWISE PROVIDING WITH RESPECT TO SUCH STANDARDS.

WHEREAS, the Board of Aldermen finds and declares that there exists in the municipal limits of the Town, deteriorating conditions of residential, non-residential, and other Premises which are detrimental to the health, safety and welfare of the general public. The conditions of deteriorating Premises and the Structures located thereon create a haven for criminal activity, reduce tax revenues, decrease social values and depreciate the economic value of property. As a result of the condition of deteriorating Premises within the Town, the Board of Aldermen finds it has a compelling interest and purpose in the abatement of these nuisances.

WHEREAS, the Board of Aldermen finds and declares that the Town's existing property standard provisions are insufficient to adequately address the Town's present circumstances and that the provisions of this Property Standards Code is necessary to promote the health, safety and welfare of the citizens of the Town and that the standards established under the provisions of this Code are designed to prevent and eliminate unsafe, unsanitary, and deteriorating conditions of Premises located within the municipal limits of the Town.

BE IT THEREFORE ORDANIED, AS FOLLOWS:

Sec. 30-1. - Title.

This Code shall be known and may be cited as the "Property Standards Code."

Sec. 30-2. - Declaration of legislative intent, and purpose.

(a) The provisions of this Code shall be liberally construed and apply to residential, non-residential and other Premises located within the municipal limits of the Town.

(b) The provisions of this Code shall be applicable to all Premises and Structures existing, constructed or relocated within the municipal limits of the Town.

(c) This ordinance replaces and repeals Sections 30-1 to 30-24 as presently existing in the Town of Greenwood's Code of Ordinances and resolutions and ordinances in conflict with this ordinance are hereby repealed.

(d) In the event any provision of this ordinance is found unlawful, or otherwise stricken said provision shall be deemed severable from the remaining provisions which shall remain in force and effect.

Sec. 30-3. - Power not affected.

(a) Nothing in this Code shall impair or limit the power of the Town to define and declare nuisances and to cause their removal or abatement by summary proceedings.

(b) Nothing in this Code shall abrogate or impair the power of the courts or any department of the Town to enforce any provision of state law, or ordinances enacted by the Board of Aldermen.

(c) The imposition of any penalty hereunder shall not preclude the Town attorney or other appropriate authority from instituting injunctive, mandamus, or other appropriate action or proceedings to correct or abate any violation under the provisions of this Code.

Sec. 30-4. - Definitions.

For the purposes of this Code, unless the context clearly requires otherwise, the following definitions shall have the meaning ascribed in this Code and be equally applicable to the masculine and feminine genders and the singular and plural forms of any of the defined terms:

Agent shall mean any authorized Person in control of any property situated in the Town who is either managing, occupying, overseeing or in custody of such property by reason of power of attorney, contract or agreement, whether written or verbal, or other permission of the record Owner of the property.

Alter or *Alteration* shall mean any change or modification in construction or occupancy of any Structure subject to the provisions of this Code or other applicable provisions of law.

Approved shall mean approved by the Mayor, and where applicable, the Board of Aldermen.

Board shall mean the Board of Aldermen of the Town of Greenwood, Louisiana.

Board of Aldermen shall mean the legislative branch of government of the Town of Greenwood, Louisiana.

Building shall mean any fixed Structure. For the purpose of this Code, each portion of a building separated from other portions by a firewall shall be considered a separate building.

Citation shall mean an official summons or notice to appear in court.

Code shall mean the Property Standards Code adopted by Town Ordinance 1 of 2013, as from time to time amended.

Dwelling shall mean any Building or Structure in which a Person or Persons live, including all appurtenances attached thereto. The term "dwelling" shall be construed to include "any part thereof."

Dwelling Unit shall mean any room or group of rooms located within a Dwelling and forming a single habitable unit with facilities which are used for or intended to be used for living, sleeping, cooking and/or eating, whether or not such unit is occupied or vacant. The term "dwelling unit" shall be construed to include "any part thereof."

Enclosed shall mean completely surrounded by a permanent roof and by solid exterior walls pierced only by windows or doors.

Garbage shall mean the animal or vegetable waste resulting from the handling, preparation, cooking and/or consumption of food.

Mayor shall mean the Mayor of the Town of Greenwood, Louisiana or his/her duly authorized representative(s). The term "Mayor" shall be construed as if followed by the words "or his/her designee."

Motor Vehicle shall mean any vehicle, including but not limited to, a motor home designed, constructed and equipped to be used as a self-propelled conveyance on a public roadway.

Movable Property shall mean personal property of any kind including but not limited to machinery, implements and/or equipment.

Nuisance shall mean the condition of any Premises which is dangerous or potentially dangerous to human life or detrimental or potentially detrimental to the health, safety and welfare of the citizens of the Town including, but not limited to, the following:

(1) Any condition or use of any land, Building, Structure or Dwelling, or any operation thereon or therein that causes or may cause a Person to desire to examine such condition, use or operation, and that is reasonably calculated to cause harm to such Person, whether the condition, use or operation is located in a Building or Structure, on the Premises of a Building, or on a vacant lot. This subsection includes, without limitation, any abandoned wells, shafts, basements, refrigerators, Motor Vehicles, swimming pools, structurally unsound fences, retaining walls, driveways, parking areas, or other Structures, or any lumber, trash, debris or vegetation reasonably calculated to be a hazard or which poses or may potentially pose a threat to the health or safety of anyone.

(2) The keeping, retaining, or depositing on, or the scattering over the Premises of any of the following:

a. Lumber, fallen trees, trash, Garbage, debris, glass or building material;

b. Weeds, grass and wild growth in violation of Section 30-42 or weeds, grass, or saplings allowed to grow around any exterior wall of any Structure, or stands of bamboo which generate any type of vermin or which may provide cover for criminal activity;

c. Abandoned, discarded or unused objects or equipment including, but not limited to automobiles, boats, motorcycles, motor homes, furniture, appliances, cans or containers; and/or

d. Standing water in any receptacle.

(3) Any Dwelling, Building, Structure, Premises or the use thereof which is unsanitary, unclean, dangerous or potentially dangerous to the physical health or safety of any Person, or which, as a result of its condition, may generate criminal activity, such as graffiti.

(4) Every vacant Dwelling Unit with an in ground or above ground swimming pool must have all gates accessing pool area Securely locked.

Occupant shall mean any Person in control or possession of any Dwelling, Building or part thereof, including an Owner, Tenant, or lessee.

Occupied Property shall mean a lot, plot or parcel of property, with a Structure located thereon, which is in current use as a residence or Dwelling.

Owner shall mean the Person specified in the last deed of record in the conveyance records of Caddo Parish, Louisiana.

Party in Interest shall mean:

(1) Any Person, including the Owner of the title or a mortgage whose interest is shown of record in the mortgage and conveyance records of Caddo Parish, Louisiana;

(2) The Person shown as Owner in the records of the tax assessor of the parish in which the property is situated;

(3) The Agent of any such Person and those in possession of a Dwelling, Dwelling Unit or Premises; or

(4) Any party whose property has been sold for delinquent taxes within the three years preceding the date of issuance of the Citation or notice of violation under the provisions of this Code.

Person shall mean an individual, unincorporated association or legal entity.

Placard shall mean a public notification that the Structure has been condemned and the use or occupancy has been prohibited by law.

Premises shall mean a lot, plot or parcel of land, including any residential or nonresidential Buildings or Structures located thereon. The term "premises" shall be construed to include "any part thereof or any property located thereon."

Repair shall mean to restore to a sound or good state after decay, dilapidation, or partial destruction with workmanship and materials which comply with the standards of the Town's comprehensive building Code or, if none, the applicable building Code of the Parish of Caddo or State of Louisiana.

Residential Buildings shall mean any Building or Structure occupied by Persons, families or households in which sleeping accommodations are provided.

Secure (Secured) shall mean the closing of a Building or Structure by means of placing or attaching boards over doors, windows and other means of entrance in order to prohibit Persons from entering the Building or Structure, and to maintain the Building or Structure in its present condition without further damage or danger to the public welfare and safety.

Structure shall mean an edifice, trailer, or Building of any kind, which is attached to the ground, or any piece of work artificially composed of parts joined together in some definite manner. The term "structure" shall be construed to include "any part thereof."

Tenant shall mean a Person, corporation, partnership or other entity who has the temporary use and occupation of a Building or Structure, or portion thereof, which is owned by another Person or entity.

Town shall mean the Town of Greenwood, Louisiana.

Unoccupied Property shall mean a lot, plot or parcel of property with a Structure located thereon which is not in current use as a residential or nonresidential Dwelling, Building or Structure.

Vacant Property shall mean a lot, plot or parcel of property with no Structure located thereon.

Yard, Front shall mean the open, unoccupied space or grounds next to a Building or Structure, situated between the property line and the front line of the Building and projected to the side lines of the Building site. The depth of the front yard shall be measured between the front line of the Building and the street line.

Yard, Rear shall mean the open, unoccupied space or grounds next to a Building or Structure, situated between the rear line of the Building site and the rear line of the Building projected to the side lines of the Building site. The depth of the rear yard shall be measured between the rear line of the Building site and the rear line of the Building.

Yard, Side shall mean an open, unoccupied space or grounds next to a Building or Structure, situated between the side line of the Building and the adjacent property line or street line, if a street exists, and extending from the rear line of the Front Yard to the front line of the Rear Yard; if no Front Yard is provided, the front boundary of the side yard shall be the front line of the Building site, and if no Rear Yard is provided, the rear boundary of the side yard shall be the rear line of the Building site.

Secs. 30-5—30-10. - Reserved.

Sec. 30-11. - Abatement of violation by Town or private contractor.

Notwithstanding any provision contained in this Code to the contrary, the Town shall have the authority to abate any violation(s) enumerated under the provisions of this Code by the utilization of Town resources or a private contractor. Any costs or expenses incurred by the Town relative to the abatement of any violation(s) under the provisions of this Code including, but not limited to, orders of the Mayor or the Board, shall be the responsibility of the Owner.

Secs. 30-12—30-16. - Reserved.

Sec. 30-17. - Demolition; generally.

(a) Except as otherwise provided in subsection 30-64(c), the Owner, Party in Interest or the Owner's designated Agent shall Repair, demolish and remove any Building or Structure located within the municipal limits of the Town in accordance with the notice of violation served by the Mayor, or in the case of an appeal, the decision of the Board.

(b) Pursuant to those powers and duties established by section 30-64, in the event the Owner or his designated Agent fails or refuses to comply with an order issued under the provisions of subsection (a), the Mayor may proceed with the demolition or removal of the Building or Structure. The Town shall indemnify and hold harmless each official or officer of the Town including, but not necessarily limited to, its elected officials, Agents, employees and any Person appointed to the Board from any loss due to attorney fees, court costs, judicial interest, or award of monetary damages arising out of any claim, demand, suit or judgment in any court by reason of alleged negligence or other act, resulting from the demolition or

removal of any Building or Structure authorized under the provision of this subsection, if that Person, at the time damages were sustained, was acting in the discharge of his duties and within the scope of his office of employment and such damages did not result from an intentional wrongful act or gross negligence.

(c) Prior to the demolition or removal of a Building or Structure under the provisions of subsection (b), any entity providing utility connections to the Building or Structure shall be notified by the Mayor of the scheduled demolition or removal of such Building or Structure. The notification shall include a request to discontinue utility service to the Building or Structure. The notice of violation, or in the case of an appeal, the order of the Board or the decision of the Board of Aldermen issued in accordance with subsection (a), shall be provided to the entity providing utility connections to the Building or Structure.

Sec. 30-18. - Emergency.

(a) In case of a grave public emergency where the condition of an unoccupied Building or Structure presents a threat of extreme hazard or immediate loss or damage to any Person or property, the Mayor may order the Structure demolished after 24 hours notice has been served upon the Owner, the Owner's Agent or any Party in Interest as provided herein. The notice required under the provisions of this section shall state the specific reason(s) the condition of the Building or Structure presents a public emergency. Notice of emergency demolition shall be served to the Owner and/or Party in Interest by personal service or certified mail delivery as provided herein.

(b) Any Person aggrieved by the decision of the Mayor under the provisions of subsection (a) shall have the right to appeal the decision to a court of appropriate jurisdiction; provided, however, such petition is filed within 24 hours of service of the Mayor's order. Upon the filing of a petition, a bond shall be furnished as security against any damage which may be caused by the condition of the Building or Structure.

(c) The matter shall be tried de novo and by preference in the First Judicial District Court of Caddo Parish, Louisiana.

Secs. 30-19—30-21. - Reserved.

Sec. 30-22. - Exterior storage of Non-Operating vehicles prohibited.

No Person in charge of or in control of any Dwelling, Dwelling Unit or Premises , whether Owner, lessee, Tenant, Occupant or otherwise shall allow a Non-Operating Motor Vehicle to remain on such property for a period exceeding ten days; and no Person shall leave any such property within the Town for a period exceeding ten days. There shall be a presumption that the last registered Owner of the vehicle has abandoned the vehicle on such property regardless of whether the physical possession of such vehicle remains in the technical custody or control of such Owner, if it has remained incapable of being moved under its own power for a period of ten days. Storage of such vehicles for a period exceeding ten days shall be in a completely Enclosed Building.

Sec. 30-23. - Notice.

Upon determining that a violation of this section has occurred, the Mayor shall securely affix a notice of violation to the vehicle, and notify the Owner of the property on which the vehicle is located that it will be removed by the Town upon the failure of the Owner of the property to remove the vehicle within the period of time stipulated in the notice. The notice of violation issued under the provision of this section shall be sent by certified mail, return receipt requested, to the last known Owner of the lot or parcel of ground upon which the inoperable vehicle is located as determined by the conveyance records of Caddo Parish. Any vehicle remaining at any Dwelling, Dwelling Unit or Premises following the expiration of ten days from the date of receipt of the notice shall be deemed to be public property and shall be disposed of by the Town in accordance with the procedures established by the Town.

Secs. 30-24—30-31. - Reserved.

Sec. 30-32. - Nuisance generally.

(a) Any Nuisance defined under section 30-4 which exists at any Dwelling, Dwelling Unit, Premises or Vacant Property within the municipal limits of the Town shall be demolished or otherwise abated by the Owner, Party in Interest, Tenant, lessee or Occupant of such Dwelling, Dwelling Unit, Premises or Vacant Property upon receipt of a duly served notice of violation issued under the provisions of this Code.

(b) In the event the Owner, Party in Interest, Tenant, lessee or Occupant of such Dwelling, Dwelling Unit, Premises or Vacant Property fails or refuses to demolish or otherwise abate any Nuisance after receipt of a duly served notice of violation issued under the provisions of this Code, the Town may demolish or abate such Nuisance by the utilization of Town resources or a private contractor in accordance with section 30-53.

(c) In the event the Owner, Party in Interest, Tenant, lessee or Occupant of such Dwelling, Dwelling Unit, Premises or Vacant Property is not known or the location of the Owner cannot be determined, the Town may demolish or abate such Nuisance by the utilization of Town resources or a private contractor in accordance with section 30-53.

(d) Nothing in this section shall impair or limit the power of the Mayor to issue written citations for violations under this section to any Owner, Party in Interest, Tenant, lessee or Occupant under the provisions of section 30-65.

Sec. 30-33. - Storage of Movable Property.

(a) Except as otherwise provided herein, no Person in charge of or in control of a Dwelling, Dwelling Unit or Premises, whether as Owner, lessee, Tenant, Occupant or otherwise allow the storage of Movable Property on such property unless the same shall be stored within an Enclosed Structure. Storage of Movable Property on any such property in any manner contrary to the provisions of this section is hereby declared to be a Nuisance and dangerous to the public safety. If the Owner is not known, the location of the Owner cannot be determined or the Owner fails to remove such nuisances, removal of such Nuisance may be

accomplished by the utilization of Town resources or a private contractor, in accordance with sections 30-11, 30-52, and 30-53.

(b) The provisions of this section shall not apply to a licensed junkyards or other uses otherwise lawfully operating within the municipal limits of the Town.

Secs. 30-34—30-41. - Reserved.

Sec. 30-42. - Grass and weeds and wild growth.

(a) The Owner, Party in Interest, Tenant, lessee or Occupant of a Dwelling, Dwelling Unit, Premises, vacant lot or occupied, unoccupied, vacant, residential and nonresidential properties located within the Town shall be required to cut, destroy or remove weeds, grass, harmful or unhealthy growths or other obnoxious or wild matter growing, lying or located in or on any such property with a height equal to or greater than 12 inches and to cut, destroy or remove such weeds, grass, harmful or unhealthy growths or other obnoxious or wild matter lying or located in or on any sidewalk abutting any such property or encroaching upon adjacent property by natural growth or by growth through, over or under fences or walls, regardless of height. No growth described in this subsection shall be allowed to interfere with the passage of any pedestrian on any sidewalk nor shall any such growth be allowed to obscure the clear line of vision of any motorist. Responsible parties shall insure that concrete curbs adjacent to property are trimmed or edged and shall be responsible for vegetation maintenance to the edge of any abutting street surface.

(b) The Owner, Party in Interest, lessee, or other Person in control of any undeveloped, heavily wooded or otherwise inaccessible Vacant Property which is adjacent to or abutting developed lot(s) or tract(s) shall mow, cut or otherwise clear a minimum 25-foot buffer between the developed and undeveloped tracts or acreage.

(c) Enforcement. The Mayor shall be authorized to issue a Citation or notice of violation to any Owner, Party in Interest, Tenant, lessee or Occupant of any Dwelling, Dwelling Unit, Premises, or property who shall fail to comply with the provisions of this section. The Citation or notice shall be served upon the Owner, Party in Interest, Tenant, lessee or Occupant of such property as provided in this Code. The institution of legal proceedings against any Owner, Party in Interest, Tenant, lessee or Occupant of any such property shall not prevent the Town from abating the violation by use of Town resources or a private contractor as provided in sections, 30-11, 30-52, and 30-53. Notice shall be given as provided in this Code.

Secs. 30-43—30-51. - Reserved.

Sec. 30-52. - Lien and privilege.

The Town shall have a lien and privilege for the cost of abating any violation on any property located within the municipal limits of the Town.

Sec. 30-53. - Administrative charges, lien and privilege for cost of performing work.

(a) If the Owner and Party in Interest of the property shall fail to comply with any notice sent pursuant to any provision of this Code or applicable provisions of state law, or shall fail to comply with any order, decision or determination rendered by the Mayor, the Board or the Board of Aldermen as provided in this Code, the Town may cause such work to be performed by Town resources or a private contractor, and in such event, the Town shall be entitled to assess and collect all costs incurred in performing such work, together with an administrative charge of $150.00. This charge shall be levied on any case appealed prior to the granting of any time extension by the property standards Board or by the Board of Aldermen.

(b) The Town shall have a lien and privilege for the cost of performing any work, or abating any violation pursuant to the provisions of this Code or applicable provisions of state law, against the property upon which the work was performed or the violation(s) abated, and shall be entitled to enforce its lien in accordance with the provisions of this section and applicable provisions of state law.

(c) 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 property and the approximate cost of abating the violation, which statement of fact shall be filed and recorded in the office of the Caddo Parish clerk of court. The Town shall be entitled to recover the amount of costs and expenses, together with court costs and attorneys fees, by ordinary process in a court of appropriate jurisdiction. No suit or proceeding to contest the validity of any lien filed pursuant to this section shall be initiated in any court after the expiration of 30 days from the date the lien is filed and recorded.

(d) The lien and privilege authorized by this section shall continue to accrue interest, which amount shall be paid prior to the cancellation of the lien. The rate of interest shall not exceed the rate of legal interest, as provided under applicable provisions of the Louisiana Civil Code, and shall be computed from the date of recordation of the lien until paid or enforced.

(e) The Town's lien and privilege shall prime all other liens or privileges against the property after the notice to the Owner and Party in Interest is filed with the Caddo Parish Clerk of Court, regardless of the date on which the Town's lien and privilege is perfected, except that the Town's lien and privilege shall be subordinate to other tax liens filed against the property.

(f) If within six months after the filing of the lien authorized under the provisions of subsection (a), the property Owner or Party in Interest fails to pay such lien and any interest thereon, the Mayor shall have the authority to offer for sale and subsequently sell or otherwise convey such property for the amount of all municipal liens operating against the property and interest thereon. The amount of any municipal lien operating against the property and interest accruing thereon, except a paving lien, may also be canceled in whole or in part by the Town in order to facilitate the sale or disposition of the property for the unpaid lien, or to enable a governmental agency or an organization which is exempt from federal taxation under section 501 of the Internal Revenue Code to use the property for a public purpose. The procedure for notice, advertisement and sale of the property shall be governed by the law applicable to the sale of property for delinquent Town taxes.

(g) Alternatively, the lien and privilege may be enforced in the First Judicial District Court, Caddo Parish, Louisiana, pursuant to the state Code of Civil Procedure and may be enforced either against the subject property or against the Owner and Party in Interest by ordinary process.

Secs. 30-54—30-61. - Reserved.

Sec. 30-62. - Administration of this Code.

(a) The administration and enforcement of this Code shall be the responsibility of the Mayor. The Mayor may employ inspectors, assistants and other employees to administer and enforce the provisions of this Code. The Mayor may assign the duties and responsibilities under this Code to other employees of the Town.

(b) The delineation of authority under the provisions of this section shall not preclude other departments of the Town from administering and enforcing those provisions of this Code pertinent to their functions. The remedies provided in this Code shall be in addition to any other remedies afforded by federal and state laws or Town ordinances.

Sec. 30-63. - Inspection.

(a) The Mayor is hereby authorized to make inspections and investigations of any Dwelling, Dwelling Unit, Premises or property located within the municipal limits of the Town to enforce the provisions of this Code and to determine whether a violation of any provision of this Code exists. The inspection or investigation may be conducted to determine the condition of

(1) The Premises surrounding, adjacent or contiguous to any Dwelling, Dwelling Unit or Premises under the control or supervision of the Owner, Party in Interest, Agent, Occupant or Tenant of the Dwelling, Dwelling Unit or Premises, and any unimproved lot or parcel of land;

(2) The exterior of any Dwelling, Dwelling Unit or Premises;

(3) The exterior of any occupied residential living unit if invited to enter by the Owner, any Party in Interest, Agent, Occupant or Tenant of the Dwelling or Dwelling Unit as provided herein.

(4) The exterior of any Unoccupied Property if the Dwelling, Dwelling Unit or Premises is unsecured or in a state of deterioration or disrepair; or

(5) Any Vacant Property.

(b) Any Person may request the Mayor to initiate an exterior inspection of any occupied or unoccupied Dwelling, Dwelling Unit, Premises or property located within the municipal limits of the Town to determine whether a violation of any provision of this Code exits.

Sec. 30-64. - General powers and duties of Mayor.

(a) Unoccupied residential Building, Structure, or Premises. The Mayor may, upon determining that an unoccupied residential Building, Structure or Premises located within the municipal limits of the Town violates any of the provisions of this Code, order the residential Building, Structure or Premises to be Secured or the violations abated as hereinafter provided in this Code. In the event an emergency exists pursuant to section 30-18, the Mayor may demolish an unoccupied residential Building or Structure.

(b) Vacant Property. The Mayor may, upon determining that Vacant Property located within the municipal limits of the Town violates any of the provisions of this Code, order the abatement of the violations relative to the Vacant Property as hereinafter provided in this Code.

(c) Nonresidential Structures. The Mayor may, upon determining that an unoccupied nonresidential Building, Structure or Premises located within the municipal limits of the Town violates the provisions of section 30-17, order the nonresidential Building, Structure or Premises to be demolished as provided in this Code.

(d) The Mayor is hereby authorized to enforce the provisions of this Code. The Mayor shall have the authority to render interpretations of this Code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this Code.

(e) The Mayor shall serve written notice of the violation upon the Owner, Party in Interest, Agent, Occupant or Tenant of the Dwelling, Dwelling Unit, or Premises in the manner provided in section 30-65. Except as otherwise provided herein, any notice served pursuant to the provisions of this section shall automatically become an order, unless a written request for an appeal is filed with the Board in the manner provided in section 30-77. The Mayor may, for good cause, extend the time period in which to comply with the notice of violation.

Sec. 30-65. - Notice of violations; generally.

The Mayor, in addition to any other rights, powers, duties or obligations enumerated under the provisions of this Code, shall be empowered to issue a written notice of violation and/or a Citation to any Owner, Party in Interest, Agent, Occupant, or Tenant of an occupied Premises who violates the provisions of this Code as hereinafter provided.

(1) Citation. Each Citation shall contain the following:

a. The condition of the Premises which are in violation of the provisions of this Code;

b. Shall be signed by the issuing inspector;

c. Shall be signed by the recipient. In the event the recipient refuses to sign the citation, such refusal shall be indicated by the issuing inspector on the citation.

The issuing inspector shall serve any Citation authorized pursuant to this Code upon the Owner, Agent, Occupant or Tenant of the Premises, whether occupied or vacant. The Citation may also be served upon such parties as otherwise provided by law.

(2) Notice of violation.

a. Except as otherwise provided in sections 30-33, each notice of violation of any provision of this Code shall be served upon the Owner, Party in Interest, Agent, Occupant or Tenant by the Mayor. Such notice shall be sent by certified mail, return receipt requested or by Personal service by the Mayor upon the Owner, Party in Interest, Agent, Occupant or Tenant, or by publication in the official journal of the Town in two consecutive issues as provided in R.S. 33:5062.

b. Except as otherwise provided in sections 30-33, notice of violation of any provision of this Code relative to corporations or other legal entities shall be served upon the corporation or other legal entity as provided by law.

c. Each notice of violation shall:

1. Be in writing.

2. State the legal description of the Premises, lot or parcel of ground, or the municipal number of the Building or Structure.

3. State the nature of the violation and the applicable section(s) of this Code related thereto.

4. Provide the individual receiving the notice of violation with available Alternatives to abate the violation(s).

5. Provide the individual receiving the notice of violation with the name, address and telephone number of the Mayor.

6. Provide the individual receiving the notice of violation with procedures for filing an appeal of the notice of violation.

7. Contain a time period in which to comply with the notice of violation.

8. State the maximum penalty which may be imposed pursuant to this Code for failure to abate the violation(s).

9. State that any Person acquiring an interest in the property cited in the notice of violation shall be subject to the requirements of the notice of violation.

d. If the notice of violation served by certified mail is returned undeliverable, constructive notice shall be attained by publication of a legal notice of the violation one time in the official journal of the Town. A copy of the legal notice shall also be posted in a conspicuous place on or about the Building or Structure affected by the notice of violation.

(3) The failure of any party, whether Owner, Party in Interest, Agent, Occupant or Tenant to abate or correct any violation for which notice has been provided pursuant to this section may result in the issuance of a written Citation by the Mayor. The Citation shall be issued as provided herein.

Sec. 30-66. - Powers, duties and responsibilities of the Board.

The Board shall have the power, duty and responsibility, as follows:

(1) To order the Repair of any Dwelling, Building or Structure determined to be in violation of the provisions of this Code.

(2) To order the demolition and removal of Structures determined to be substandard.

(3) To order the Repair of a substandard Structure as an Alternative to demolition.

(4) To order the removal of personal property from a Structure to be vacated or demolished. The Town shall have the authority to remove personal property from a Structure if the Owner of the personal property is unknown or the Owner fails to remove the personal property from the Structure ordered vacated or demolished.

(5) To order that a vacant Structure or vacant portion of a Structure constituting a hazard or Nuisance be Securely closed and made safe.

(6) To order the abatement of a hazardous condition on any Premises.

(7) To order the abatement of any condition determined to be a nuisance.

Sec. 30-67. - Appeal hearings; meetings.

The Board shall schedule a reasonable time for appeal hearings and meetings and shall give public notice thereof, as required by law, as well as notice to the applicant and the Mayor. All appeal hearings and meetings shall be open to the public and be conducted in conformity with applicable provisions of state law. The Board shall not be constrained by the legal rules of evidence promulgated under federal or state law.

The Board shall be empowered to compel the attendance of a witness, Owner, Agent, Occupant or Tenant and to administer oaths to anyone giving testimony before the Board.

Sec. 30-68. - Determinations.

After hearing all the testimony and weighing all the evidence, the Board shall render any order, finding or determination consistent with the provisions of this Code with regard to the alleged violation including, but not limited to the following:

(1) Finding the Structure a Nuisance, and ordering the Repair of specified violations within a reasonable period of time, and ordering the Mayor to monitor the progress of the Repairs;

(2) Finding the Structure a Nuisance, and ordering the Repair or correction of the violations within a specified period of time and demolition of the Structure, if the Repairs or corrections are not timely affected. The order shall also state that if the Owner fails or refuses to comply, demolition shall be by Town forces or by private contractor retained by the Town, with such cost being the responsibility of the Owner;

(3) Finding the Structure a Nuisance, and ordering its demolition within a specified period of time. The order shall also state that if the Owner fails or refuses to comply within the

specified period of time, demolition shall be accomplished with Town resources or by private contractor retained by the Town, with such cost being the responsibility of the Owner. In reaching this determination, the Board of appeals shall consider the economic feasibility of making Repairs;

(4) Finding a Nuisance exists on the Premises, and ordering its abatement, removal or correction within a specified period of time. If the Nuisance is on a vacant lot or on a lot with a vacant Structure, the order shall also state that if the Owner fails or refuses to comply within the specified time, abatement, removal or correction shall be by Town resources or by private contractor retained by the Town, with the cost being the responsibility of the Owner;

(5) Requesting the office of the Town attorney to initiate misdemeanor charges in Town court against the Owner, Party in Interest, Agent, Occupant or Tenant for violating the provisions of this Code; and,

(6) Finding the property is not in violation of the provisions of this Code.

Sec. 30-69. - Decisions; appeals.

The concurring vote of a simple majority of the members of the Board shall be necessary to issue any order pursuant to section 30-66 and to reverse any order, decision, or determination appealed from the Mayor or to decide in favor of the appellant on any matter upon which the Board is authorized under the provisions of this Code.

Sec. 30-70. - Records.

The Board shall prepare a record of its proceedings for each case or matter heard, which record shall be a public record. The record shall delineate the grounds for each decision and the vote of each member on each case or matter heard. The record of the proceedings shall be filed and retained in the Mayor as required by law.

Secs. 30-71—30-76. - Reserved.

Sec. 30-77. - Appeal from decision of Mayor.

Any Person aggrieved by any notice of violation from the Mayor, or any Person aggrieved by any order or decision of the Mayor, shall have the right to appeal the notice or decision to the Board by filing a written request for appeal within ten days of receipt of such order, notice or decision.

The Board, upon hearing all the testimony and weighing all the evidence, shall either affirm, modify, reverse, or remand the decision of the Mayor.

Sec. 30-78. - Appeal from the decision of the Board of Aldermen.

Any Person aggrieved by the decision of the Board shall have the right to appeal the decision to a court of appropriate jurisdiction; provided, however, such petition is filed within 30 days of receipt of notice of the decision of the Board.

Sec. 30-79. – Building permits following final order or decision.

Following the conclusion of all appeals, the Mayor shall issue any building permit necessary to comply with the final order or decision. The Mayor shall thereafter limit any permits issued on the property affected by the order or decision to the period of time specified in the order or decision.

Secs. 30-80—30-85. - Reserved.

Sec. 30-86. - Penalty for violations.

In addition to the procedures and civil regulations set forth above, it shall be a misdemeanor criminal offense for a property Owner, occupier, Agent, Tenant or anyone else having control of the Premises to violate any of the requirements set forth above.

(1) Any Person convicted of violating any provision of this Code shall, in addition to being ordered to abate the violation, be subject to the following penalty:

   a. The first violation, a fine of not less than $300.00 or imprisonment for not more than 30 days, and the payment of restitution to the Town for expenses, including reasonable and required administrative expenses associated with mowing, cleaning and maintaining the Premises, or abating any nuisance, whether such services were performed by the Town or by a private contractor.

   b. The second violation, a fine of not less than $400.00 or imprisonment of not more than 60 days, and the payment of restitution to the Town for expenses, including reasonable and required administrative expenses associated with mowing, cleaning and maintaining the Premises, or abating any nuisance, whether such services were performed by the Town or by a private contractor.

   c. The third or subsequent violations, a fine of not less than $500.00 and imprisonment of not more than 60 days, and the payment of restitution to the Town for expenses, including reasonable and required administrative expenses associated with mowing, cleaning and maintaining the Premises, or abating any nuisance, whether such services were performed by the Town or by a private contractor.

(2) The Town's performance of the services necessary to abate any violations under this Code including, but not limited to services performed by a private contractor, shall not be a defense to the prosecution of any violations under the provisions of this Code.

(3) Each day the violation continues shall constitute a separate offense.

(4) The court may suspend any of the jail terms set forth above only on the condition that the defendant pay all fines and assessments associated with the violation and to abate the Nuisance if it has not already been abated.

NOW, THEREFORE, BE IT ORDAINED by the Board of Alderman, Town of Greenwood, in due, legal and regular meeting convened that;

BE IT FURTHER ORDAINED that all ordinances or resolutions or parts thereof in conflict with this ordinance are hereby repealed.

This Ordinance shall take effect and be in force immediately after its adoption

First Reading: March 18, 2013–Introduced and read by title and approved as read and set for Public Hearing on April 15, 2013 on motion by Alderman Newsom, seconded by Alderman Cook. Approved by the following roll call vote:

YEAS: (4) Cook, Newsom, Edwardes, McCracken
NAYS: (0)
ABSENT: (1) Jaudon
ABSTAIN: (0)

Second Reading: April 15, 2013- Having been approved on the first reading on March 18, 2013 and after publication of notice and a public hearing, was read by title and approved as read on motion by Alderman McCracken and seconded by Alderman Newsom. The motion was carried by the following roll call vote:

YEAS: (4) Cook, Edwardes, Newsom, McCracken
NAYS: (0)
ABSENT: (0)
ABSTAIN: (0)

THUS DONE, ORDAINED AND ESTABLISHED by the Board of Alderman of the Town of Greenwood, Louisiana at a meeting of said public body duly held and conducted on April 15, 2013 in the Municipal Complex of the Town of Greenwood

_____
Veronica Brown, Town Clerk

Date Delivered to the Mayor: April 16, 2013
Date Received by the Mayor: April 16, 2013

Approved by the Mayor of the Town of Greenwood on the 16th day of April, 2013

_____
Frank Stawasz, Mayor

STATE OF LOUISIANA

PARISH OF CADDO

I, the undersigned Town Clerk of the Town of Greenwood, Caddo Parish, Louisiana, do hereby certify the foregoing Ordinance No. 1 of 2013 to be a true copy of the Ordinance as the same appears filed in this office.

This, the 16th day of April, 2013.

_____
Veronica Brown, Town Clerk