

**ORDINANCE NUMBER 2025-1**

**AN ORDINANCE OF THE TOWN OF ST. FRANCISVILLE PROVIDING FOR CONDEMNING, DEMOLISHING, AND/OR REMOVING ABANDONED, BLIGHTED, AND/OR DANGEROUS BUILDINGS.**

WHEREAS, St. Francisville, Louisiana is empowered to adopted amendments and revisions to its ordinances,

WHEREAS, the Mayor and Board of Alderman are desirous of exercising said power, and upon a finding that abandoned, blighted, and/or dangerous buildings are a nuisance and threaten the health, safety, and general welfare of the residents and visitors of the Town of St. Francisville, Louisiana,

BE IT ORDAINED by the Mayor and Board of Alderman of the Town of St. Francisville, Louisiana and is hereby ordained by the same, that, in accordance with La. R.S. 13:2575, in order to seek findings that there are violations of public health, housing, fire code, environmental, and/or historic district ordinances, and/or to seek a determination that the vacant residential or commercial property at issue is “blighted” and/or “abandoned”, as follows:

Chapter 11, Article II of the Code is amended, modified, and restated to read as follows:

**ARTICLE II - LITTER, JUNK, WEEDS, AND BLIGHTED AND ABANDONED PROPERTY**

Chapter 11, Article II is amended to include “Division 5. – Blighted or Abandoned Vacant Residential or Commercial Property” and the following provisions:

**Sec. 11-74. – Definitions**

For the purpose of this division, the following terms shall have the respective meanings ascribed to them:

*Blighted Property* : is defined by R.S. 33:1374(B)(1), and shall mean means commercial or residential premises, including lots, which are vacant, uninhabitable, and hazardous and because of their physical condition, are considered hazardous to persons or property, or have been declared or certified blighted, and have been declared to be a public nuisance by a court of competent jurisdiction, or by a building inspector or designee of the Mayor acting pursuant to R.S. 13:2575 et seq., or any other applicable law

*Abandoned Property* is defined by R.S. 33:4720.59(D)(2) and shall mean property that is vacant or not lawfully occupied. The terms "vacant" or "not lawfully occupied" shall include but shall not be limited to any premises which are not actually occupied by its owner, lessee, or other invitee or if occupied, without utilities, and which has been left unsecured or inadequately secured from unauthorized entry to the extent that the premises could be entered and utilized by vagrants or other uninvited persons as a place of harborage or any premises which by reason of dilapidation, deterioration, state of disrepair, or other such status is otherwise detrimental to or endangers the public safety, health, or welfare.

Sec. 11-75. - Condemn, demolish, or remove dangerous, blighted, and/or abandoned buildings.

The town may condemn and demolish or remove, or both, any dangerous, blighted, and/or abandoned building within the limits of the town, in accordance with the procedures set forth hereafter.

Sec. 11-76. - Notice to repair.

(a) If the town receives a written report from either the Code Enforcement Officer, a building inspector, or the fire chief, or other person designated by the town to make such a report, that a building or other structure is a dangerous building, the town, through its mayor or other designated representative, shall give written notice to the owner of the building to repair or demolish and remove the building within 30 days or risk having the building declared condemned and thereafter having the building demolished and removed at the owner's expense.

(b) Notice shall be given by certified mail, addressed to the owner at the owner's last known address, or by service upon the owner by the Chief of Police or a duly appointed officer. If the owner is found to be absent from the state, or cannot be located within the state, notice may be given to any occupant of the building, and in addition shall be posted on the front door of the building.

(c) If the owner submits a satisfactory plan for repair of the building and correction of any other violation relating to the building within 30 days, the town may grant a reasonable extension of time for completion of such repairs.

Sec. 11-77. - Report recommending demolition and removal.

If the owner fails to respond to a notice to repair within 30 days, or does not complete a plan of repair within any extended period allowed for repair granted by the town, the town may obtain from either the town's chief of maintenance, the fire chief, town engineer, building inspector, or other person designated by the town, written and signed recommendations to condemn in accordance with the provisions of this article, as a prerequisite for condemnation.

Sec. 11-78. - Condemnation hearing and notice to owner.

(a) *Hearing and notice.* If the report of recommendations confirms that the building is a dangerous building, and recommends the demolition and removal of the building, the town, through the mayor or other designated representative, shall have notice served upon the owner of the building, requiring him to show cause, at a meeting of the board of aldermen, why the building should not be condemned. The notice shall:

- (1) Document the time period given to the owner to repair or remove the building;
- (2) State the date and time of the hearing;
- (3) Include a copy of the notice to repair or to demolish and remove the building initially given to the owner;

(4) Include a copy of the report designating the building as a dangerous building and recommending demolition or removal; and

(5) Be served at least 30 days prior to the date of the hearing, except in cases of grave public emergency as provided in subsection (d) of this section.

(b) *Method of service.* The notice may be served by certified mail, addressed to the owner at the owner's last known address, or by service upon the owner by the chief of police or by any sheriff's office having jurisdiction and power to serve legal process where the owner is found within the state.

(c) *Absentee owner.* If the owner is found to be absent from the state, or cannot be located within the state and has not designated an agent for service, notice may be served upon any occupant of the building, if any, and upon an attorney at law designated and appointed by the town to represent the absentee.

(d) *Grave public emergency.* In any case in which the written report provided in subsection (a) of this section states not only that the building is a dangerous building, but that the condition of the building could possibly cause immediate loss or damage to persons or property, the board of aldermen may forgo the notice procedure provided in Section 11-76, and hold the hearing provided for in subsection (a) of this section after 24 hours' notice served in the same manner provided herein.

Sec. 11-79. - Condemnation order; demolition, removal, or repair.

(a) *Determination by aldermen.* After a hearing, if the aldermen determine that the building is a dangerous building and agree with the written recommendations submitted, the aldermen shall by written decision:

(1) Declare the building condemned;

(2) Order that the building be demolished and removed at the expense of the owner under a written contract with the town with surety bond as required by subsection (b) of this section;

(3) Specify the period during which the owner must complete the demolition and removal of the building, following the owner's compliance with the provisions of subsection (b) of this section;

(4) Order that, if the owner of the building fails or refuses to comply with the decision of the aldermen, and fails to file an appeal from the decision of the aldermen within ten days, then the town may proceed with the demolition and removal of the building;

(5) If the town's determination is made under the provisions of Section 11-78(d), the order shall declare the existence of a grave public emergency.

(b) *Demolition and removal.* The owner or his designated agent or contractor may proceed to demolish and remove the condemned building, if the owner:

(1) Executes a written contract with the town, obligating the owner to complete the work required within the time specified by the aldermen;

(2) Files with the town a copy of the contract for completion of work together with a surety bond guaranteeing performance of the work contracted for.

(c) *Option to repair.* If the aldermen determine that repairs will correct the condition which merited the building's classification as a dangerous building, the aldermen may grant the owner the option of making such repairs. In such case, the order shall specify the general nature or extent of the repairs to be made, the time to be allowed to make the repairs, and the defects to be corrected.

(d) *Failure to demolish and remove or repair.*

(1) Should the owner of the building fail or refuse to comply with the town's decision and fail to appeal therefrom within the legal delay provided herein, the town may proceed with the demolition and removal of the condemned building.

(2) Prior to commencement of the work, the town, through the mayor or other designated representative, shall have notice served upon the owner of the building, by certified mail addressed to the owner at the owner's last known address, or by service upon the owner by the chief of police, providing the date and time when the work by the town is scheduled to begin.

Sec. 11-80. - Appeal from order of aldermen.

(a) The owner may appeal from the decision of the board of aldermen to the 20th Judicial District Court by petition commencing a civil action against the town, setting forth the basis for the appeal and the assignments of error alleged to have been committed by the town in its decision.

(b) Where a grave public emergency has been declared by the town, the appealing owner must, at the time of filing the petition for appeal, furnish a surety bond in the amount fixed by the district court, guaranteeing indemnification for any damage caused by the condition of the building during the appeal period.

(c) The appeal shall be tried de novo and by preference in the district court, in accordance with the provisions of the Louisiana Code of Civil Procedure.

(d) Either party may appeal from the judgment of the district court.

Sec. 11-81. - Costs of demolition and removal; lien on the property.

(a) *Lien and privilege.* If it becomes necessary for the town to undertake or contract for the demolition and removal of a dangerous building, the town shall have a lien and privilege upon the immovable property and any improvements upon which the building was located, for:

(1) The cost to the town of demolition and removal of the dangerous building and all related costs and expenses, including, but not limited to, the cost of service of notice and costs relating to hearings for repair and condemnation;

(2) The cost to the town of maintenance of the immovable property on which the building was located, and maintenance of any improvements;

(3) All court costs and attorney's fees incurred by the town in connection with the demolition and removal of the dangerous building and all other matters arising under this article for which the services of an attorney are required.

(b) *Notification and hearing.* The lien and privilege may be preserved and enforced only after:

(1) The town has notified the owner of the amount of the costs and fees;

(2) The town has given the owner an opportunity to be heard at a meeting of the board of aldermen, if the owner objects to any of the costs and fees; and

(3) The owner has nevertheless refused to pay the amount of the costs and fees.

(c) *Preservation of lien and privilege.* The lien and privilege shall be preserved by filing in the mortgage records of the parish, an affidavit signed by the mayor or his designated agent, containing a description of the property sufficient to reasonably identify the immovable property on which the building is located and a listing of the costs incurred by the town outlined in subsection (a) of this section.

(d) *Enforcement of lien and privilege.* The lien and privilege may be enforced in accordance with any of the procedures set forth in R.S. 33:4766 and other applicable provisions of law.

Sec. 11-82. - Town, board of aldermen, mayor, etc., not liable for damage.

Neither the town, nor the board of aldermen, nor the mayor, nor any employees, agents, contracting parties or other representatives of the town shall be liable to the owner or the owner's agents or contractors, or any occupants, or any other person on the premises for any damage or injury to persons or property resulting from any determination for demolition, repair or removal of any building or from any work performed in demolishing, repairing or removing any building under any provisions of this article, whether occurring on or off the premises on which the building is located, or for any failure to perform any work provided for under this article.

Sec. 11-83. – Inapplicability to the St. Francisville Historic District Overlay.

The provisions and procedures of the foregoing Division 5 do not and shall not apply to properties located within the St. Francisville Historic District Overlay. Nothing in this Section however, prevents the remedies otherwise available pursuant to Louisiana Revised Statute 33:4761 et seq.

An ordinance introduced by Abby T. Cochran and seconded by Gigi Robertson on the 25th day of February 2025.

Adopted on a motion by Gigi Robertson and seconded by Abby T. Cochran on the 25th day of March 2025.

A roll was called on the adoption thereof, and the ordinance as adopted by the following votes:

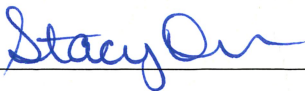
YEAS: Abby T. Cochran, Collin Howell, Gigi Robertson, E. Tommy Wheeler, and John Wilson

NAYS: none

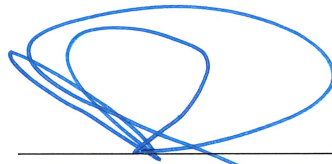
ABSTAINED: none

ABSENT: none

Ordinance approved this 27th day of March 2025.



Town Clerk, Stacy Orr



Mayor, Andrew J. D'Aquila