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**ARTICLE III. REMOVAL OF DANGEROUS STRUCTURES** <sup>[2]</sup>

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**Sec. 38-50. Condemnation of buildings.**

The governing authority of any municipality, the City of New Orleans excepted, may condemn and cause to be demolished or removed any building or structure within the municipality when it is in a dilapidated and dangerous condition which endangers the public welfare.

*State law reference— Similar provisions, R.S. 33:4761.*

**Sec. 38-51. Notice to owner; absent owner; hearing.**

Before the governing authority 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 some city official or other person authorized to act in such matters for the municipality. The Mayor or his designated representative shall thereupon serve notice on the owner of the building or structure requiring him to show cause at a meeting of the governing authority 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. The notice may be served by registered or certified mail, postage pre-paid, addressed to the owner at his last known address. The notice may also be served by the marshal of the municipality or by any sheriff or deputy sheriff or constable having jurisdiction and power to serve legal process where the owner of the building or structure is found in the State of Louisiana, and the officer shall make return of the service as in ordinary cases.

If the owner be 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 upon an attorney

at law appointed by the mayor to represent the absentee. Domiciliary service may be made as in ordinary cases.

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 governing authority 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 absentee owner.

*(R.S. 33:4762; Ord. No. 8/98, 6-8-98)*

### **Sec. 38-52. Decision of governing authority; order to demolish or repair.**

After the hearing, if, in the opinion of the governing authority 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 governing authority 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 governing body.

The decision and order of the governing authority shall be in writing and shall be final unless appealed from within five days as hereinafter provided.

*(R.S. 33:4763)*

### **Sec. 38-53. Appeal from decision.**

The owner, occupant, agent or other representative of the owner may appeal from the decision of the governing authority to the district court having jurisdiction over the property. The appeal shall be made by the filing of a suit against the municipality, setting forth the reasons why the decision or order of the governing body is illegal or improper and the issue shall be tried de novo and by preference in the district court. Where a grave public emergency has been declared by the governing authority, the owner of the building who desires to prevent the demolition or removal thereof must file his petition within 48 hours 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 might be caused by the condition of the building.

Either party may appeal from the judgment of the district court as in other cases.

*(R.S. 33:4764)*

### **Sec. 38-54. Compliance with decision; demolition by municipality where owner fails to comply; notice.**

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 governing authority of the municipality, 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 or chief executive a copy of the contract, together with a bond to guarantee performance.

In the event the owner or occupant of the building or structure fails or refuses to comply with the decision of the governing authority of the municipality and fails to appeal there from within the legal delays provided herein, then, in that event, the mayor or chief executive may proceed with the

demolition or removal of the condemned building or structure, in which case neither the mayor nor the municipality shall be liable in damages.

Prior to the demolition or removal of the building or structure by the municipality, 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 at law appointed to represent the minor, interdict or absentee owner, giving the time when work will begin upon the demolition or removal of the building.

*(R.S. 33:4765)*

### **Sec. 38-55. Lien and privilege for cost of demolition by municipality.**

The municipality shall have a lien and privilege for the cost of demolishing or removing the building or structure against the lot and improvements upon which the building or structure is situated. 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 of 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 parish in which the property is located and the municipality shall be entitled to recover the amount of this expense together with all costs of court, by ordinary process in the district court having jurisdiction of the property.

*(R.S. 33:4766)*

### **Sec. 38-56. Attorney to represent absentee, minor or interdict.**

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

*(R.S. 33:4767)*

### **Sec. 38-57. Buildings to be secured.**

Residential or commercial buildings which have code violates but have been determined by the city's building inspector or his designated representative to be (1) structurally sound, (2) in the need of rehabilitation to correct code violations or secured until violations can be corrected shall be secured according to the following specifications and regulations.

*(Ord. No. 6/89, § 1, 6-12-89; Ord. No. 9/89, § 1, 6-26-89)*

### **Sec. 38-58. Securing specifications.**

It is hereby required that the securing of all exterior openings be accomplished in a neat, workmanlike manner with not less than one-half-inch thick (CDX) weather resistant plywood, cut to fit with openings, securely fastened (1) with two and one-half inch wood screens four to six inches on-centered or (2) securing plywood with one-half-inch by eight-inch round head bolt with washer, through center of plyboard with two-by-four backup. The plywood shall also be coated with two coast of exterior paint. Color shall blend with to harmonize with the exterior colors of the building as to be inconspicuous as possible. All bare wood siding, windows, overhang, and trim shall also be

coated with exterior paint. In the event the owner wishes to utilize the structure for storage it will be required that a minimum of one and three-quarter inch solid core door be installed and equipped with passage lock and one inch deadbolt lock.

The power shall also be responsible for treating the structure by a licensed exterminator for insects, rodents, and vermin. Treatment of the structure shall be on a six-month basis. A statement verifying that treatment has been completed on the structure will be required to be submitted to the building inspector or his designated representative.

It shall be the responsibility of every such owner to keep the premises of such residential or commercial property clean and to remove from the premises all abandoned motor vehicles, iceboxes, refrigerators, stoves, glass, building materials, building rubbish or similar items in addition to weeds, dead trees, trash, garbage, etc., and maintain the grass at a level required by city ordinances in order to prevent the building, structure or property from causing a public nuisance.

Secured structures must be maintained according to the above specifications until all code violations have been repaired or until the structure has been demolished according to code requirements.

*(Ord. No. 6/89, § 1, 6-12-89; Ord. No. 9/89, § 1, 6-26-89)*

### **Sec. 38-59. Time limitations.**

A special permit must be obtained by the property owner within 30 days after the date of the certified letter issued by the building inspector or his designated representative notifying the property owner, his agent or his representative of the deficiencies of the property.

All work pertaining to the securing of the structure must be completed according to specifications outlined herein within 30 days from issuance of said permit.

The expiration date of the special permit will be one year after issuance of same with an automatic renewal of one year. At the end of the second year a re-evaluation of the structure must be performed to determine if the building remains structurally sound before a permit can be reissued.

*(Ord. No. 6/89, § 1, 6-12-89; Ord. No. 9/89, § 1, 6-26-89)*

### **Sec. 38-60. Permit fees.**

The fee for a special permit will be \$50.00 per year per structure.

*(Ord. No. 6/89, § 1, 6-12-89; Ord. No. 9/89, § 1, 6-26-89)*

### **Sec. 38-61. Inspections.**

All buildings will be inspected 30 days after the issuance of said permit to determine if the structure has been secured according to specifications outlined herein. In addition, each secured structure will be reinspected every six months to ensure it remains in compliance with this article. At the end of every two-year period a re-evaluation of the building must be performed to determine if the building remains structurally sound.

*(Ord. No. 6/89, § 1, 6-12-89; Ord. No. 9/89, § 1, 6-26-89)*

**Sec. 38-62. Notification of noncompliance.**

If it is determined at any time upon a follow-up inspection that the building is not being maintained according to specifications the building inspector or his designated representative will attempt to notify the property owner, his agent or his representative by certified mail that the structure is not in compliance with this article and he will have ten working days from the date of said notice to correct the deficiencies.

*(Ord. No. 6/89, § 1, 6-12-89; Ord. No. 9/89, § 1, 6-26-89)*

**Sec. 38-63. Penalty for failure to comply.**

The responsible party, whether owner or agent who fails to timely secure or maintain the structure and premises according to specifications herein shall be punished by a fine no to exceed \$500.00, or be imprisonment of not more than 60 days, or by both such fines and imprisonment, upon conviction by a court of competent jurisdiction. Each day the violation shall continue shall constitute a separate offense.

Such penalty may be imposed on any such property owner after any one of the following:

- (1) Property owner fails to timely obtain a special permit.
- (2) Once the permit is obtained the property owner fails to complete the work within the time limits specified.
- (3) Property owner fails to secure the structure according to specifications outlined herein.
- (4) Property owner fails to maintain the property according to specifications for securing structures.

*(Ord. No. 6/89, § 1, 6-12-89; Ord. No. 9/89, § 1, 6-26-89)*

**Secs. 38-64—38-99. Reserved.**

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**FOOTNOTE(S):**

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*Editor's note— As indicated by the history notes, the provisions of Article III, §§ 38-50—38-56, were derived from the Louisiana Revised Statutes rather than from the general ordinances of the City of Leesville. Because the provisions are self-operative and add to the matters of law herein presented, they were included in this chapter in order to make it more useful. ([Back](#))*