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CHAPTER 18

BUILDING REGULATIONS

PART I

DILAPIDATED OR DANGEROUS STRUCTURES OR BUILDINGS

1. LEGISLATIVE FINDINGS.

The Board of Aldermen of the Town of Blanchard finds that dilapidated and dangerous structures or buildings located within the Town create a nuisance and a danger, and diminish property values and the quality of life within the Town.

2. AUTHORITY UNDER STATE LAW.

The Town wishes to exercise the full power and authority granted to the Town under applicable law, including but not limited to Title 33, Section 4761, *et seq.*, of the Louisiana Revised Statutes, to regulate and correct the condition of dilapidated or dangerous structures or buildings within the Town and to remove them or cause them to be removed.

3. POWER OF BOARD OF ALDERMEN.

The Board of Aldermen of the Town may condemn and cause to be demolished or removed any building or structure within the Town when it is in a dilapidated or dangerous condition which endangers the public welfare.

18.04 NOTICE TO OWNER; HEARING; SERVICE OF NOTICE; FILING OF NOTICE.

(a) Before the Board of Aldermen of the Town 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 Town official or other person authorized to act in such matters for the Town. As used in this Part, the term "Town official" refers to the Mayor, the Town Clerk, any Alderman, or the Chief of Police. The Mayor or Town Clerk shall thereupon serve notice on the owner of the building, or structure requiring him to show cause at a meeting of the Board of Aldermen of the Town, 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 (10) 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 prepaid, addressed to the owner at his last known address. The notice may also be served by the Police Chief of the Town 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, and the officer shall make return of the service as in ordinary cases.

(b) If the owner is 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.

(c) 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 Board of Aldermen of the Town may condemn the building after twenty-four (24) hours' notice served upon the owner or his agent or the occupant and attorney-at-law appointed to represent the absentee owner.

(d) Any notice served pursuant to this section shall be filed with recorder of mortgages where the property is located. Once filed, such notice shall be deemed notice to all subsequent transferees. Any transferee of such property takes the property subject to all recorded liens, mortgages, and notices thereunto pertaining.

18.05 ORDER TO DEMOLISH OR REPAIR; DECISION OF GOVERNING AUTHORITY.

After the hearing, if, in the opinion of the Board of Alderman of the Town 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 Board of Aldermen of the Town 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 Board of Aldermen of the Town shall be in writing and shall be final unless appealed from within five (5) days as hereinafter provided.

18.06 APPEAL FROM DECISION.

The owner, occupant, agent or other representative of the owner may appeal from the decision of the Board of Aldermen of the Town to the First Judicial District Court of the Parish of Caddo, State of Louisiana. The appeal shall be made by the filing of a suit against the Town, setting forth the reasons why the decision or order of the Board of Aldermen 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 Board of Aldermen of the Town, the owner of the building who desires to prevent the demolition or removal thereof must file his petition within forty-eight (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.

18.07 COMPLIANCE WITH DECISION; ASSISTANCE.

(a) 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 Board of Aldermen of the Town, 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 the Town Clerk, a copy of the contract together with a bond to guarantee performance.

(b) In the event the owner or occupant of the building or structure fails or refuses to comply with the decision of the Board of Aldermen of the Town and fails to appeal there from within the legal delays provided herein, then, in that event, the Mayor or his or her designee may

proceed with demolition or removal of the condemned building or structure, in which case neither the Mayor nor the Town shall be liable in damages.

(c) Prior to the demolition or removal of the building or structure by the Town, the Mayor or Town Clerk shall cause notice to be served 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, structure, or public nuisance. Such service may be made by any of the means of service set forth in Section 18.04.

18.08 LIEN AND PRIVILEGE FOR COST OF DEMOLITION, REMOVAL, AND MAINTENANCE BY TOWN.

(a) The Town has a privilege and lien upon an immovable and its improvements and the owner is personally liable for:

- (1) The cost to the Town of maintenance of the immovable or improvements, and,
- (2) The cost to the Town of demolishing or removing, or both, a building or other structure situated upon the immovable or improvements, and all attorney fees incurred by the Town in connection with such demolition or removal.

(b) The term “maintenance” shall include, but not be limited to, grass cutting, weed abatement, and trash and garbage removal.

(c) The privilege and lien shall be enforced only after the owner has refused, after notification by the Town and reasonable opportunity to be heard, to pay the costs incurred by the Town.

(d) The privilege and lien shall be preserved by the filing and recording of an affidavit signed by the Mayor of the Town in the mortgage records of Caddo Parish. The affidavit shall include a description of the property sufficient to reasonably identify the immovable and a statement of facts listing the approximate cost or costs incurred by the Town.

(e) The privilege and lien shall be enforced by ordinary process in the district court having jurisdiction of the immovable within three (3) years after it is perfected. Alternatively, the privilege and lien may be enforced by assessing the amount of the privilege and lien against the immovable as a tax against the immovable, to be enforced and collected as any ordinary property tax lien assessed against the property; such lien and privilege may be collected in the manner fixed for collection of taxes and shall be subject to the same civil penalties for delinquencies. After the Town has incurred such costs as constitute the lien and privilege on the property, the Mayor or his or her designee may send an attested bill of such costs and expenses which constitute the lien and privilege to the Treasurer or Town Clerk, who shall add the amount of such bill to the next tax bill of the owner. The lien obtained by the Town pursuant to proper notification and filling shall include not only the costs provided for in subsection (a) of this section but (also) all attorney’s fees and/or all costs of court incurred in the locating of the owner, the notification of the owner, and the enforcement and collection of the amount secured by the

lien against the immovable and the improvements. The Town may also recover interest on the amounts secured by the lien. The interest shall not exceed the rate of legal interest provided in Civil Code Article 2924 and shall be computed from the date of recordation of the lien until paid. The Town's privilege and lien shall prime all other liens or privileges against the property filed after the notice to the owner to show cause is filed with recorder of mortgages pursuant to R.S. 33:4762 (D), regardless of the date on which the Town's lien and privilege is perfected, except that the Town's lien and privilege will not prime other tax liens against the property.

(1) The lien shall not be canceled until after payment of all amounts, including costs, attorney fees, and interest, without the consent and concurrence of the Town.

(g) In addition to the lien and enforcement procedures authorized under this section, the Town has a cause of action against the owner personally for the costs incurred by the Town. Such action may be brought by ordinary proceeding in any court of competent jurisdiction.

18.09 ATTORNEY TO REPRESENT ABSENTEE, MINOR, OR INTERDICT.

If the owner is absent from the state or unrepresented herein, or in the event the building or structure is owned by a minor who has no tutor or an interdict who has no curator, the notice shall be served on the occupant of the building or structure, if any, and also upon an attorney at law appointed by the Mayor to represent the absentee owner, minor or interdict. Service on such attorney shall be made as provided in Section 18.04 of this Chapter. The appointed attorney at law shall represent the owner's interests and all notices and other proceedings shall be served upon that attorney. That attorney shall be paid a reasonable fee to be taxed as costs.

(Amended 5/1/2000 – Ordinance 2 of 2000)

PART II

MOVING OF STRUCTURE OR OBJECT WITHIN TOWN LIMITS

18.21. MOVING PERMIT REQUIRED.

Any person desiring to use the public streets of the Town for the purpose of moving a house or other building or any large structure or object which might hinder, block, obstruct or delay traffic within the town shall first obtain a moving permit from the Town and otherwise comply with this part. The requirements set forth in this shall be in addition to any other requirements of local, state or federal ordinances, statutes, regulations or other applicable law.

18.22. FEE.

A permittee under this part shall pay Fifty & NO/100 (\$50.00) Dollars to the Town tax collector for any permit issued pursuant to this part.

18.23. REQUIREMENTS.

No person shall move or attempt to move any house, building or other structure or object under circumstances that are reasonably calculated to hinder, block, obstruct or delay traffic within the Town without first complying with the following requirements:

(1) MOVING PERMIT. Any person desiring to move a house, building or other structure or object under circumstances requiring a permit under this part must obtain from the town clerk a permit to use the street or streets within the Town. The application for such permit shall be filed with the town clerk, with a copy to the chief of police, and shall state the name and address of the owner of the house, building or other structure or object, shall state the originating and terminating locations for the move, shall designate the street or streets within the Town that will be used, and shall state an estimate of the amount of time required to move the house, building or other structure or object within the Town limits.

(2) POLICE ESCORT. The chief of police shall determine what, if any, police escort shall be required for the movement within the Town limits. The nature and extent of the police escort shall be stated on the face of the permit. The chief of police shall state the cost of the escort to the town, and prior to the issuance of the permit and in addition to the permit fee set forth herein, the applicant shall pay to the Town the cost of the police escort. If the actual cost of providing the escort exceeds the amount stated by the chief of police prior to the issuance of the permit, the chief of police shall provide the town clerk with a certificate setting forth the amount of the excess costs, and the applicant shall pay the Town, on demand, the amount of such excess costs.

(3) UTILITY LINES, ETC. The person moving the house, building or other structure, at his, her or its sole cost and expense, shall take precautions to prevent any damage to telephone or electric light lines or trees or any other property. If it is necessary to move any wires or other utilities, it shall be the duty of the mover to notify the owners and make whatever arrangements as may be necessary.

(4) INSURANCE. The mover must furnish, in connection with the securing of the moving permit, a certificate of public liability insurance providing for Five Thousand & NO/100 (\$5,000.00) Dollars property damage and Ten Thousand & NO/100 (\$10,000.00) Dollars personal injury for one person and Ten Thousand & NO/100 (\$10,000.00) Dollars personal injury for more than one person.

(5) TIMING. The application shall be made not less than two (2) business days prior to the date of the anticipated move, and the permit shall state the time and date of the permitted move. If the move does not occur within the time and on the date stated on the permit, the applicant shall be required to apply for new permit and pay a new permit fee. In addition, any payment for police escort shall be forfeited. The chief of police may waive the forfeiture of the escort fee for good cause shown.

18.24. CONFORMITY TO APPLICABLE BUILDING CODES AND STANDARDS.

(a) Any house, building or other structure or object permitted to be moved into the town or from one location to another within the Town, shall conform to all applicable building codes and standards for such house, building or other structure, and shall comply with the Town's zoning ordinance for the use of such house, building or other structure or object at its terminal location.

(b) If any house, building or other structure or object permitted to be moved into the Town or from one location to another within the Town does not conform to all applicable building codes and standards at the time such house, building or structure is placed in its new location, the owner of such house, building or structure shall cause such house, building or structure to comply with such codes and standards within three (3) months after the move. For good cause shown the board of aldermen may grant one or more extensions of the time limit set forth in this section. Lack of funds shall not constitute good cause shown.

(c) If the owner of the house, building or other structure or object fails to comply with the provisions of this section, such owner shall demolish the house, building or other structure or object or remove it to a location outside the Town limits. In addition, the Town may take any action under any other ordinance or other applicable law to remedy any dilapidated property within the town limits.

18.25. STORAGE TIME LIMITATION.

In no event shall any house, building or other structure or object be moved in the Town and placed or stored on any land within the Town for a period longer than three (3) months and in such event, not more than one house or other structure shall be placed on any one lot. If the house, building or other structure or object placed on a lot does not comply with this part before the expiration of such three (3) month period, the owner of such house, building or other structure or object shall remove it from the Town limits. For good cause shown the board of aldermen may grant one or more extensions of the time limit set forth in this section. Lack of funds shall not constitute good cause shown.

18.26. EXEMPTION.

This part shall not apply to a house, building or other structure or object moved from one location to another location on the same lot, provided that such house, building or other structure shall comply with other applicable building codes, standards and zoning regulations following such move.

18.27. PROVISIONS ADDITIONAL TO OTHER ORDINANCES.

The requirements set forth in this part shall be in addition to the requirements set forth in the zoning regulations, and other ordinances and regulations of the Town in connection with houses, buildings or other structures.

18.28. PENALTIES.

Any person who violates the provisions of this part shall be fined up to Five Hundred & NO/1000 (\$500.00) Dollars.

(Amended 7/1/2003 – Ordinance 2 of 2003)