

# *Mayor and Town Council Fordoche, Louisiana*

ORDINANCE NO. 01-05

AMENDED ORDINANCE PROVIDING FOR THE CONDEMNATION, DEMOLITION, AND REMOVAL OF ANY DILAPIDATED AND DANGEROUS BUILDING OR STRUCTURE WITHIN THE TOWN OF FORDOCHE, LOUISIANA.

BE IT ORDAINED by the Fordoche Town Council in regular session convened that:

## Section 1: Removal; condemnation of buildings

The council, in accordance with R.S. 33:4761 et. seq., may condemn and cause to be demolished or removed any building or structure within the town when it is in a dilapidated and dangerous condition which endangers the public welfare.

## Section 2: Notice to owner; absent owner; hearing

- A. Beautification Commissioner or person appointed to this department must go out to the building in question and take pictures of building/house.  
This person must submit a written recommendation to Mayor and Council along with the pictures to declare this building unsafe and unfit for human occupancy.  
The Council must vote as to whether the town wished to accept the recommendation. If so, a letter must be sent certified mail/return receipt or an officer must serve the owner of the building notice of council's decision and the date and time of public hearing (next regular meeting) within 10 days of hearing.  
After the public hearing, the council then makes a decision. This must be in writing and sent to owner. The decision will be final within 5 days.
- B. If the owner is absent from the state or unrepresented therein, 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 council 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.

## Section 3: Decision of council; order to demolish or repair

- A. After the hearing, if, in the opinion of the council 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 council 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 council.

- B. The decision and order of the council shall be in writing and shall be final unless appealed according to law.

#### Section 4: Appeal

The owner, occupant, agent, or other representative of the owner may appeal from the decision of the council to the Eighteenth Judicial District Court in accordance with law.

#### Section 5: Compliance with decision; demolition by council when owners fail to comply; notice

- 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 council, 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 council 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 council and fails to appeal therefore within the legal delays provided herein, then, in that event, the council may proceed with the demolition or removal of the condemned building or structure in which case the council may not be held liable in damages.
- C. Prior to the demolition or removal of the building or structure by the council, the mayor or some official designated by him shall serve notice to 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 work will begin upon the demolition or removal of the building.

#### Section 6: Lien and privilege for cost of demolition by council

In order to preserve the lien and privilege granted by law on the property and the improvements thereon, the mayor or his designee shall execute, and have filed and recorded in the mortgage office of Pointe Coupee Parish, an affidavit which shall include a description of the property sufficient to reasonably identify the immovable and statement of facts listing the approximate cost or costs incurred by the municipality in demolishing or removing the building or structure.

#### Section 7: Attorney to represent absentee, minor, or interdict; fee

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 on 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.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Said Ordinance having been amended December 13, 2011, notice of public hearing having been published, said public hearing having been held, the title having been read, and the amendment to Ordinance considered, a motion was made by Teddy Gros, and seconded by Pat Smith, to adopt the Ordinance. A record vote was taken and the following results were had:

YEAS: Teddy Gros, Ronnie Bonaventure, Chad Hendricks, Callie Meche, Pat Smith

NAYS: None

ABSENT: None

ABSTAIN: None

WHEREUPON, the Ordinance was declared adopted on this 14 day of June, 2005.

ATTEST and delivered to the Mayor

December 14, 2011

Lisa Cormier

Town Clerk, Fordoche, Louisiana

APPROVED and delivered to the Clerk

December 14, 2011

Don Sonnier, Mayor

Town of Fordoche, Louisiana