

ORDINANCE # _____

DRAFT AMENDMENT TO THE TOWN OF JACKSON'S

ARTICLE III. WEEDS AND WILD GROWTH; BLIGHT OR ABANDONMENT

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DIVISION 1. GENERALLY

Secs. 14-52 – 14-65. **CRITERIA:**

The Town of Jackson, Louisiana implements the following debris monitoring and management guidelines to address clean-up, demolitions, removal, reduction and disposal of debris resulting from a natural and/or manmade disaster in order to eliminate blight properties, immediate threats of significant damage to improvement of public or private property.

All properties designated as blighted property must meet at least one or more of the criteria(s) listed below, under the Ordinance # _____ of Chapter 14 Environment, Division II. Nuisances; Abatement, Article III. Weeds and Wild Growth; Blight or Abandonment, Sections 67-70, pp. 5-7. State Law Reference: R.S. 14:107.3 Criminal Blighting of Property pp. 214-215 2021 Louisiana Statutory Criminal Law and Procedure Manual / Sec. 14-95. Hearing officer powers /

Please choose applicable conditions:

_____ 1. The building or physical structure is a public nuisance.

Public nuisance "Public nuisance" means any garage, shed, barn, house, building, or structure, that by reason of the condition in which it is permitted to remain, may endanger the health, life, limb, or property of any person, or cause any hurt, harm, damages, injury, or loss to any person in any one or more of the following conditions:

- (a) The property is dilapidated, decayed, unsafe, or, is detrimental to the health, morals, safety, public welfare, and the well-being of the community endangers life or property, or is conducive to ill health, delinquency and crime.
- (b) The property is a fire hazard
- (c) The condition present on the property and its surrounding grounds are not reasonably or adequately maintained, thereby causing deterioration, and creating a blighting influence or condition on nearby properties and thereby depreciating the value, use, and enjoyment to such an extent that it is harmful to the public health, welfare, morals, safety, and the economic stability of the area, community, or neighbor in which such public nuisance is located.

_____ 2. Any property that is vacant and which hasn't been rehabilitated within a year or receiving notice to rehabilitate from the Town of Jackson.

_____ 3. any structure in a state of dilapidation or decay; open to the elements, as a result of damage, dilapidation or decay; unable to provide shelter or serve the purpose for which it was constructed due to damage, dilapidation, or decay.

_____ 4. The condition and vacancy of the building materially increase the risk of fire to the building and to adjacent properties.

_____ 5. The building is subject to unauthorized entry leading to potential health and safety hazards and one of the following applies:

- a. The owner has failed to take reasonable and necessary measures to secure the building.
- b. The municipality has secured the building in order to prevent such hazards after the owner has failed to do so.
- c. Any property that has broken or severely damaged windows doors, walls or roofs which create hazardous conditions and encourage trespassing.

_____ 6. The property is an attractive nuisance to children, including, but not limited to, the presence of abandoned wells, shafts, basements, excavations and unsafe structures.

- ___ 7. The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds has created potential health hazard and safety hazards and the owner has failed to take reasonable and necessary measures to remove the hazards.
- ___ 8. The dilapidated appearance or other condition of the building negatively affects the economic well-being of residents and businesses in close proximity to the building, including decreases in property value and loss of business, and the owner has failed to take reasonable and necessary measures to remedy appearance or the condition.
- ___ 9. Attracting the commission of criminal activity or illegal acts in the building or structure or on the premises on which it is located or is a contributing factor in attracting the commission of such illegal acts or activity.
- ___ 10. The property has been abandoned for at least a year or more.
- ___ 11. Any unoccupied property that has been tax delinquent for two years or more.
- ___ 12. Any property whose maintenance is not in conformance with the maintenance of other neighboring properties that may contribute to a decrease in value of the neglected property.
- ___ 13. Any property of which the only substantial use for which is the location of any discarded or abandoned major appliances, such as refrigerators, freezers, ranges or machinery or other metal, tin or other discarded items of any kind, including inoperable, wrecked or used automobile or motor vehicle, damaged or dismantled motor vehicles.
- ___ 14. Any property of which the growth of grass or weeds exceed 12 inches high or more or allow the growth of any other deleterious or unhealthful vegetation on any property or premises.
- ___ 15. Any property of which any items not eligible for roadside pickup by the East Feliciana Parish Public Works Department were placed at or within the Town of Jackson right-of-way. Those ineligible items include shingles, asbestos, siding, televisions, computers, batteries, paint cans, (liquid), used oil, microwaves. Fluorescent bulbs & ballasts, flood debris, automotive mechanical parts and motors, propane or gasoline tanks, transmissions, tree limbs in the excess of 5 feet.
- ___ 16. Any property of which any items eligible for roadside pickup by the East Feliciana Parish Public Works Department were not organized and/or separated into appropriate separate piles such as wood, plastic, metal, vegetative, and appliances.

___ 17. Any property of which any items eligible or ineligible for roadside pickup by the East Feliciana

Parish Public Works Department was placed under hanging limbs or utility lines or near utility poles, fire hydrants, meters (gas/water), bagged or combine with household garbage.

___ 18. Any property of which any items designated as hazardous waste and ineligible for roadside pickup

by the East Feliciana Parish Public Works Department were placed at or within the Town of Jackson right-of-way. Hazardous waste includes but not limited to the following: asbestos, pesticides, motor oil and other automotive fluids, propane/gas tanks, household cleaners, ink and resins, contaminated soil or absorbents and medical waste, automotive batteries, and dry cell batteries

DIVISION 2. NUISANCES; ABATEMENT

Secs. 14-66. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Agent means any person, including a partial owner, occupying or otherwise managing, in control of, overseeing, or acting as custodian of an owner's property or otherwise acting with the express or implied permission of the owner, whether by authority of a power of attorney, contract or other agreement, either written or verbal, or by other permission of the owner.

State law reference – Authority to require property is maintained in a safe and sanitary condition, R.S. 33:5062 et seq.

Terminology:

Interested parties means those individuals who may have an ownership interest in the property that is alleged to be in violation of this division.

Maintenance of a nuisance means to conduct, carry on, keep, or permit to exist on one's premises any prohibited activity or condition, as defined in this division, or any nuisance. The failure to abate nuisance or prohibited activity or condition shall be considered as maintenance of a nuisance.

Noxious growths means any noxious weed, or grass, or other deleterious, unhealthful or noxious vegetative growths that have reached a height in excess of 24 inches and have remained in such condition for a period in excess of 14 days.

Nuisance means any activity, condition or use of a premises that is detrimental to, or endangers, public safety, health, or welfare; that produces such material annoyance, inconvenience or discomfort so as to interfere with or disturb another in the peaceful possession of his property, or so as to cause injury to the rights of another or of the public; that is detrimental to the property of others or which causes or tends to cause substantial diminution in the value of other property of others or which cause or tended to cause substantial diminution in the value of other property in the vicinity or neighborhood in which such premises is located; that is in violation of any land-use or zoning ordinance or regulation; or any prohibited activity or condition declared to be a nuisance in this division.

Street Right-Of-Way Street right-of-way widths shall be no less than sixty (60) feet for open ditch sections and no less than fifty (50) feet for curb and gutter section. Reference: East Feliciana Parish Subdivision Regulation Ordinance Section (VA7) Streets, Alleys, and Easement September 6 2011.

Public nuisance “Public nuisance” means any garage, shed, barn, house, building, or structure, that by reason of the condition in which it is permitted to remain, may endanger the health, life, limb, or property of any person, or cause any hurt, harm, damages, injury, or loss to any person in any one or more of the following conditions:

- (a) The property is dilapidated, decayed, unsafe, or, is detrimental to the health, morals, safety, public welfare, and the well-being of the community endangers life or property, or is conducive to ill health, delinquency and crime.
- (b) The property is a fire hazard
- (c) The condition present on the property and its surrounding grounds are not reasonably or adequately maintained, thereby causing deterioration, and creating a blighting influence or condition on nearby properties and thereby depreciating the value, use, and enjoyment to such an extent that it is harmful to the public health, welfare, morals, safety, and the economic stability of the area, community, or neighbor in which such public nuisance is located.

Owner means any person, whether one or more, owning, occupying or otherwise in control of an property within the town.

Premises means any building, structure or property owned or occupied by any proprietary party or representative thereof.

Prohibited activity or condition means any activity or condition declared to be a nuisance or otherwise prohibited under state law or parish or municipal ordinance, including, but not limited to, the sections of this division.

Property means any lot, tract, parcel of land, or portion of ground or other immovable property, whether occupied or vacant, which is situated within this town. For the purposes of this division, the term “property” also includes an area abutting such property and adjacent to a public street, including, but not limited to, that portion of property between property lines and streets; the term “property” also includes the sidewalk that adjoins such land or is a part of such land.

Proprietary party means an owner, lessee, sublessee, tenant or occupant of any premises.

Representative means an officer, agent, employee or other representative of a proprietary party.

Third party provider means an entity with whom the town enters into a contract for the provision of services to effectuate and enforce this division.

Weeds means any and all vegetation growth, including grass, which emits unpleasant or obnoxious odors; which may be unsightly; may conceal filth deposit, garbage or trash; or may serve as a breeding, hiding or resting places for reptiles, rodents, insects or other vermin. (Ord. No. 268, 1,8-14-2017)

Abandoned building means any building or structure, the owner of which has ceased to carry out significant responsibilities of property ownership.

Sec. 14-67 Duty to cut grass and remove weeds, etc.

All proprietary parties and representatives within the corporate limits of this town shall destroy and remove weeds or other deleterious, unhealthy growths, and cut any grass which has reached the height of 12 inches lying or located in or upon their respective properties, lots, premises, places or areas within the town's municipal limits. All proprietary parties and representatives within the corporate limits of this town shall further maintain any such property, place, premises, or area in a manner that is free from weeds or other deleterious, unhealthy growth and grass which has reached the height of 12 inches or other obnoxious matter growing, lying or located in or upon the property. Failure to do so constitutes a violation of this division. If a corporation or other juridical entity is found to be the proprietary party other juridical entity shall be deemed, jointly and individually, to be in violation thereof. (Ord. No. 268, 2(a), 8-14-2017)

Sec. 14-68 Mow and maintain property adjacent to public right-of-way

All proprietary parties, representatives, and persons owning, or occupying property located within the municipal limits of this town shall mow and maintain that portion of their property adjacent to, or subject to, any public right-of-way or servitude, with the exception of any portion or property that may lie within an open ditch that forms part of a municipal or parish drainage system. Failure to do so constitutes a violation of this division. (Ord. No. 268, 2(b), 8-14-2017)

Sec. 14-69 Unlawful to allow weeds, noxious growths, or to conceal trash on property

- (a) It shall be unlawful for any proprietary party or representative to maintain, permit or allow the growth of grass or weeds in excess of 12 inches high on any property or premises or to permit or allow the growth of any other deleterious or unhealthful vegetation on any property or premise.
- (b) No owner or agent of an owner shall, and it shall be unlawful for any owner or agent to, permit any noxious growths either on that person's property or in the area between any sidewalks, curbs or banquettes abutting that person's property, or permit such noxious growths to exude any unpleasant or noxious odor, or to conceal trash, garbage or similar deposits upon such property. Any such noxious growths upon any premise in the town in violation hereof are declared to be a nuisance (Ord. No. 268, 2(c), 8-14-2017)

Sec. 14-70. Maintenance of a nuisance prohibited.

Maintenance of a nuisance or other prohibited activity or condition on any property by a proprietary party, representative, or any person acting in concert with them, is hereby prohibited and declared to be unlawful. (Ord. No. 268, 3, 8-14-2017)

Sec. 14-71. Violations and penalties.

- (a) Any person violating any provision of this division shall be guilty of a misdemeanor, or upon conviction thereof, shall be punished as provided in accordance with this section. First offense shall be punishable by a fine not exceeding \$100.00, imprisonment for not more than 30 days, or both. Second continuous and multiple offenses may be fined not more than \$500.00 and imprisonment not more than 30 days in jail, or both.
- (b) In addition to the penalties provided in subsection (a) of this section for any proprietary party, any representative or person acting in concert with them, who maintains a nuisance, prohibited activity or condition, may be enjoined as provided by law, including, but not limited to, the issuance of injunctive relief or order of abatement as provided for in this division. (Ord. No. , 8-14-2017)

Sec. 14-72. Persons having standing to petition for the issuance of an injunction or order of abatement

The following persons shall have standing to petition for the issuance of an injunction or order of abatement pursuant to this division:

- (1) The town, any officer thereof, or a duly authorized representative thereof.
- (2) An adjacent or neighboring property owner who is damaged by a violation of this division;
or
- (3) Any residents of the election precinct wherein the violation exists.
(Ord. No. 268, 4(c), 8-14-2017)

Sec. 14-73. Injunctive relief and order of abatement.

- (a) Application for injunctive relief or judicial order abatement afforded by this division shall be by petition to the mayor's court, a parish court of competent jurisdiction, or a state judicial district court of competent jurisdiction and venue.
- (b) A violation of the provisions of an injunction or judicial order of abatement issued in accordance with the provisions of this division shall constitute contempt of court. A person who is found guilty of such contempt by the issuing court shall be punished by a fine of not less than \$100.00 nor more than \$500.00 or by imprisonment for a period of not less than 24 hours nor more than 30 days, or both. Upon conviction for a second or subsequent violation of the injunction or judicial order of abatement, the violator shall be punished by both fine and imprisonment as listed above, but without benefit of probation or suspension of sentence.
(Ord. No. 268, 5,8-14-2017)

Sec. 14-74 Notice of violation.

- (a) Following an inspection and verification of a violation of this division, the town, through its legal and/or administrative departments, shall notify the owner of the premises in violation in accordance with subsection (b) of this section.
 - (b) Notification shall be by first class U.S. mail to the owner of the property in violation as listed in the most recent property tax assessment rolls for the town, and shall contain the following:
 - (1) A description of the property, by physical address, legal description, or other means sufficient to identify the location of the property.
 - (2) The nature of the violation with citation to the appropriate section of this division; and
 - (3) The penalties, fees, enforcement and abatement proceedings for which the owner may become liable if the nuisance, prohibited activity, or condition is not voluntarily abated in accordance with this division.
 - (c) If the violation is not remedied after notification under subsection (b) of this section, and after the delays set forth in this division, all interested parties shall be notified by certified mail in accordance with the agreement for the administration of notification and enforcement with the third-party provider.
- (Ord. No. 268 6-14-2017)

Sec. 14-75. Abatement.

- (a) Upon notification of violation, as provided in section 14-74, the proprietary party or representative shall abate the nuisance and/or prohibited activity or condition by removing the offending vegetation or taking the appropriate corrective action within five days, or by reaching a mutually acceptable agreement with the town for the scheduled abatement of the property within five days.
- (b) If a violation of the provisions of this division is not abated in accordance with subsection (a) of this section, the building official of the town is hereby authorized to commence the appropriate proceedings to cut, destroy, and remove all deleterious grass, weeds, and other vegetation. The town is expressly authorized to enter into agreements with third party providers to accomplish abatement and remediation under this division. There shall be an assessment against the property for the cutting, destruction, and removal for all fees and costs, including interest, as referenced under subsection (d) of this section.
- (c) The town is hereby authorized to perform additional work to abate the nuisance at the subject property upon the execution and filing of an affidavit pursuant to R.S. 33:5062. For each remediation effort by the town, there shall be an assessment against the property in accordance with subsection (d) of this section.

- (d) All fees and costs associated with the remediation and abatement measures taken, per occurrence, by the town pursuant to this division, shall be a charge, cost, or expense of the property and all interested parties. This charge includes, but is not limited to, any actual costs incurred by the town, any administrative fees incurred by any third-party contractor, and any administrative fees due to the town under third party contract, and also expressly includes interest on all sums due from incurrence until payment. (Ord. No. 268, 7, 8-14-2017) **State law reference** – Property owner’s liability, R.S. 33:5062.

Sec. 14-76. Billing; payment.

At the completion of any work performed pursuant to this division and pursuant to any agreement with a third-party provider of said services, interested parties shall be sent a bill by certified mail, return receipt requested, by personal or domiciliary service, itemizing all costs of the work in accordance with this division, and providing 30 days from receipt thereof to render payment to the town. (Ord. No. 268, 8, 8-14-2017)

Sec. 14-77. Collection.

In addition to the imposition of liens in accordance with this division, the town either directly or through a third-party provider, may attempt to collect the total amount due from any interested party for work completed pursuant to this division, if the total amount due is not timely remitted accordingly. The fees attendant to any such collection attempts shall be added to the amount due for the performance of services under this division. (Ord. No. 268, 9, 8-14-2017)

Sec. 14-78. Authority to impose lien.

In addition to the other provisions of this division and any other attempt to collect the amount owed pursuant to this division, the town is also authorized to have recorded in the mortgage office of the parish in which the property is situated a sworn statement showing the cost and expenses incurred for the work, which shall include the date and a description of the property on which the work was performed. The recordation of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the amount due in principal and interest, plus costs for filing the lien, and costs of court, if any, for collection until final payment has been made. (Ord. No. 268, 11, 8-14-2017)

Sec. 14-79. Adding costs and fees to ad valorem tax bill.

If payment is neither received in response to a collection attempt, nor within the deadlines set forth in the notifications to interested parties, the town shall add the total amount due for work performed, costs and fees to the next annual ad valorem tax bill for the premises or property involved. (Ord. No. 268, 11, 8-14-2017)

Sec. 14-80. Statutory imposition payment plan (SIPP).

Upon the request of the interested party, the town may agree to accept less than the full amount due pursuant to this division if all ad valorem taxes associated with the property at issue have been satisfied. In that event, the town shall enter into any agreement with the interested party for the repayment of the total amount due under this division based on individual needs and circumstances. The municipal tax collector or finance director shall propose the terms of the SIPP agreement, which must be approved by the mayor to become effective. (Ord. No. 268, 12, 8-14-2017)

Secs. 14-81—14-92. Reserved.

DIVISION 3. ADMINISTRATIVE DETERMINATIONS OF BLIGHT OR ABANDONMENT

Sec. 14-93. Administrative adjudication hearing procedures for blighted or abandoned property.

In addition to the remedies already provided herein, the town may utilize the administrative adjudication hearing procedures set forth below, in accordance with R.S. 13:2575, to seek a determination that the vacant residential or commercial property at issue is blighted, as defined by R.S. 33:1374(B)(1) on January 1, 2013, or abandoned, as defined by R.S. 33:4720.59 (D)(20) on January 1, 2013. (Ord. No. 268, 13(a), 8-14-2017)

Sec. 14-94. Appointment of hearing officer.

- (a) Administrative adjudication proceedings under this division shall be conducted before hearing officers who have been licensed to practice law in the state for at least two years.
- (b) Hearing officers shall be appointed by the mayor and shall serve at the pleasure of the mayor.
- (c) Hearing officers shall be sworn before the municipal attorney to uphold the constitution, the laws and constitution of the state, and the Charter and ordinances of the town, and to abide by the provisions of the Louisiana Code of Governmental Ethics and the Town of Jackson Code of Ethics.
- (d) Hearing officers who have been appointed and sworn in, in accordance with this division, have the authority to hear and decide any and all Code and ordinance violations. (Ord. No. 268, 13(b)(1), (2), 8-14-2017)

Sec. 14-95. Hearing officer powers.

The hearing officer shall have the power to:

- (1) Administer oaths and affirmations
- (2) Issue orders compelling the attendance of witnesses, respondents, alleged violators, and violators and the production of documents
- (3) Determine whether or not an alleged violator is liable or guilty of Code violations
- (4) Levy fees, costs and penalties
- (5) Order violators to correct violations within a stipulated time
- (6) Take any and/or all necessary and lawful measures to effect corrections of the violation if the violator fails to do so within the time allocated by the hearing officer; and
- (7) Record orders, judgments, notices of judgments, or liens in the mortgage office (Ord. No. 268, 13(b)(3), 8-14-2017)

Sec. 14-96. Procedure for hearing.

- (a) Whenever the town determines that a violation of a code or ordinances exists, a notice of violation shall be provided to all interested parties by certified mail at least 30 days in advance of the administrative hearing.
- (b) A notice of violation shall:
 - (1) Be in writing
 - (2) Provide the municipal address of the cited property
 - (3) Provide the date of the inspection
 - (4) Provide notice of alleged violation at the cited property
 - (5) Provide the mailing address and telephone number of the enforcement agency
 - (6) Provide the time, date, and location of the administrative hearing whereby the alleged violation shall be adjudicated.
 - (7) Provide notice that the failure to appear at the hearing shall be considered an admission of liability for the charged violation
 - (8) Provide the risk of fees, penalties, costs, and liens that may be imposed or continued violation.
 - (9) Provide the risk of remedial measures that may be ordered by a hearing officer to correct or abate a violation.
- (c) The date of the postmark shall be deemed to be the date of delivery. Any notification so sent and returned by the U.S. Postal Service shall be considered as having fulfilled the notification requirement. Proof of notification and attempts at service shall be entered in the record for each case prior to the hearing.

- (d) In addition to the service provided in section 6, a copy of the notice of violation shall be affixed in a prominent location on the property upon which violations are alleged or, if safe, access to the property is not reasonably practicable, on some prominent fixture on the adjacent public right-of-way as near as possible to the property at least five days in advance of the date of the hearing. It shall be unlawful for any person other than an agent of the city to remove a notice posted on the public right-of-way prior to the commencement of the hearing.
- (e) Any person charged with a violation herein may present any relevant evidence and testimony at such hearing and may be represented. An alleged violator's physical presence shall not be required at the hearing if documentary evidence, duly verified by such person, is submitted to the hearing officer via the agency of the town having a responsibility for the enforcement of the Code violation, prior to the date of the hearing. Nothing contained herein shall be construed to limit the authority or the ability of a hearing officer to determine an alleged violator's liability or guilt based solely upon submitted documentary evidence.
- (f) Any order compelling the attendance of witnesses, or the production of documents may be enforced by the municipal court or by any other court of competent jurisdiction.
- (g) Any administrative adjudication hearing held under the provisions of this division shall be conducted in accordance with the rules of evidence of the Administrative Procedure Act, R.S. 49:950 et seq. Testimony of any person shall be taken under oath and shall be recorded.
- (h) The hearing officer shall issue a final order, judgment, or notice of judgment within 30 days of the hearing, excluding legal holidays. The hearing officer shall simultaneously send a copy of the final order, judgment, or notice of judgment to all interested parties by certified U.S. mail. The order, judgment, or notice of judgment shall:
- (1) Be signed by the hearing officer
 - (2) State whether or not the alleged violator is liable or guilty of each violation and any specific determination thereto:
 - (3) Provide the amount of fees, costs, and penalties assessed for each violation
 - (4) Provide the defects to be corrected and the extent by which each violation shall be corrected, repaired, and/or abated
 - (5) Provide the reasonable period of time by which each violation shall be corrected, repaired and/or abated
 - (6) Notify the violator of their right to appeal; and
 - (7) Notify the violator that the city may act to abate a violation if the violator fails to act in accordance with the order, judgment, or notice of judgment, where applicable.
- (i) The town may enforce any order assessing fees, costs, and penalties, and/or stipulating a required correction, repair, or abatement measure. (Ord. No. 268, 13(b) (4), 8-14-2017)

Sec. 14-97. Penalties.

- (a) The penalty for each violation shall not exceed the maximum that may be imposed by municipal court as provided in R.S. 13:2500.
- (b) Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- (c) A schedule of penalties may be established by ordinance providing penalty amounts, consistent with subsection (a) of this section, for specific Code violations. (Ord. No. 268, 13(b) (5), 8-14-2017)

Sec. 14-98. Costs.

- (a) Costs and expenses that may be recovered and enforced against a violator under this section include, but are not limited to
 - (1) The town's direct cost for abatement
 - (2) Costs of salary and all applicable overhead of municipal staff and contract personnel involved in the investigation, enforcement, and/or remediation or abatement of a violation
 - (3) Attorney's fees if and when applicable
 - (4) Hearing and/or court costs including, but not limited to, hearing officer and witness fees
 - (5) Costs of engineering and other technical services and studies as may be required; and
 - (6) Any other fee, cost, or expense reasonable and rationally relate to the city's enforcement action any other fee, cost or expense reason
- (b) At any point in the enforcement process after the time for voluntary compliance has expired or following the conclusion of the enforcement/abatement action, the town may notify the violator of the proposed full cost recovery against the real property that was the subject of enforcement/abatement action The notice may be issued as a statement of costs, administrative hearing officer the accuracy and reasonableness of the costs within 30 days from the date of mailing. After compliance has been obtained and prior to closure of the case, a final statement of costs may be calculated and sent to the violator.
- (c) If payment is not received within 30 days of the mailing of the notice or statement of costs or following any appeal hearing upholding all or part of the costs, the town may issue a demand for payment. A demand for payment shall be mailed to a violator and provide notice that, if payment is not received by the date indicated in the demand, the town may lien the property that was subject to the enforcement/abatement action for all applicable costs. (Ord No. 268, 13(b) (6) , 8-14-2017 , 8-14-2017, 8-14-2017 **State law reference –** Mailing statement of expenses, R.S. 33:5063.

Sec. 14-99. Liens.

- (a) The town shall have a lien and privilege against the immovable property in, or upon which a violation occurred. The lien and privilege shall secure all fines, fees, costs, and penalties that are assessed by the town and described in the order, judgment, or notice of judgment and the notice or statement of costs. The recordation of the order, judgment, or notice of judgment and the notice or statement of costs in the mortgage office of the parish shall constitute a lien and privilege against the land upon which a violation exists. Any lien and privilege recorded against an immovable property under this division shall be included in the next in the next annual ad valorem tax bill.
- (b) Upon recordation of the order, judgment, notice of judgment, or lien the town may:
 - (1) Apply to the clerk of district court for assurance of writ in accordance with Code of Civil Procedure article 2253, under the authority of R.S. 13:257 and 13:2576, upon describing with particularity the immovable property and the manner in which the writ is to be enforced; or
 - (2) Institute a suit against the owner of record in any court of competent jurisdiction to enforce the order, judgment, notice o judgement, or lien.
- (c) In order for the lien and privilege to arise, the order, judgement, notice of judgment or lien shall be final and not subject to appeal when recorded in the mortgage office.
- (d) Any monies collected pursuant to this article shall first satisfy all outstanding municipal liens recorded against an immovable property and only when outstanding municipal liens are satisfied in full shall monies be applied towards an immovable property's ad valorem taxes. (Ord. No. 268, 13(b)(7), 8-14-2017)

Sec. 14-100. Enforcement of liens; additional requirements.

- (a) Upon the town instituting legal proceedings to obtain a writ to cause the seizure and sale of a property with outstanding liens, pursuant to this division, the property shall also be unoccupied.
- (b) Any person with a legally protected interest in a property must be provided notice that is reasonably calculated to apprise them of the seizure and upcoming sale of the property. (Ord. No. 268, 13(b)(8), 8-14-2017)

Sec. 14-101. Appeal.

Any person determined by the hearing officer to be guilty of a Code violation may appeal the determination to the civil district court for the parish, the 20th Judicial District Court. Such appeal shall be instituted by filing, within 30 calendar days of the mailing of the hearing officer's order, a petition with the clerk of the civil district court along with payment of such costs as may be required by the clerk of court. After filing a petition for appeal, the clerk of court shall schedule a hearing and notify all parties of the date, time, and place of such hearing. Service of notice of appeal under this section shall not stay the enforcement and collection of the judgement unless the person who files the appeal furnishes security prior to filing notice of appeal with the town's department of finance in the amount fixed by the hearing officer sufficient to ensure satisfaction of the finding of the hearing officer relative to the fine, fee, penalty, cost of the hearing, and cost, if any, of correcting the violation. (Ord. No. 268, 13(b)(9), 8-14-2017)

Sec. 14-102. Remedies not exclusive.

The regulations, procedures, and remedies established by this division of this article are nonexclusive and may be pursued independently of each other and in addition to other remedies provided by law. (Ord. No. 268, 13(b)(10), 8-14-2017)

Sec. 14-103. Recordkeeping.

- (a) At its commencement by notice of violation, every adjudication proceeding shall be assigned a docket number and a style in the form of "Town of Jackson versus" followed by the name of the alleged violator. The records pertaining to each proceeding shall be maintained as a separate file in a manner similar to the fashion in which the clerks of court maintain the records of civil cases.
 - (b) Each agency charged with the enforcement of an ordinance within the scope of this division shall, with the advice of the town legal department, maintain a log or index of all adjudication proceedings which shall set forth information, including, but not limited to, the following:
 - (1) The style and docket number of the case and the date it was commenced
 - (2) Alleged Code Violation
 - (3) Date of the alleged violation
 - (4) Address or other description of the property upon which the alleged violation exists or have occurred
 - (5) Dates of any hearings, trials, or continuances and the dates of their commencement and/or termination and, if the case is terminated, of its final disposition
 - (6) Statements as to the date of filing and disposition of any appeal
- (Ord. No. 268, 13(b)(11), 8-14-2017)

Sec. 14-104. Transfer of ownership.

It is violation for any property owner to transfer a property that receives a notice of violation without notifying the enforcement agency of the town that sent said notice of violation. Anyone found in violation of this section shall be fined \$500.00 (Ord. No 268, 13(b) (12), 8-14-2017