

## **CHAPTER 11**

### **HOUSING AND HOUSING REGULATIONS**

Sub-Chapter A - Dangerous Structures  
Sub-Chapter B - Mobile Homes

#### **Sub-Chapter A**

#### **Dangerous Structures**

##### **SECTION 11:1. CONDEMNATION OF DANGEROUS STRUCTURES BY VILLAGE**

The Mayor and Board of Aldermen may condemn and cause to be demolished or removed any building or structure within the corporate limits of the municipality when it is in a dilapidated and dangerous condition which endangers the public welfare. (Ordinance of October 13, 1975, Section 1)

Comment -- For authority of municipalities to adopt regulations governing dangerous structures and to condemn such structures, see LRS 33:4761.

##### **SECTION 11:2. CONDEMNATION PROCEEDINGS, NOTICE TO OWNER; ABSENT OWNER; HEARING**

A. Before any building or structure is condemned there must be submitted to said governing authority a written report recommending the demolition or removal of said building signed by the Mayor, or by someone appointed by him to act in the matter. The Mayor shall thereupon serve notice on the owner of the building or other structure requiring him to show cause at a meeting of the Mayor and Board of Aldermen 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 before the date of the hearing, except in case of grave public emergency as hereinafter provided. The notice may be served by certified mail return receipt requested or by the Village Marshall of Napoleonville or by any sheriff, deputy sheriff or constable having jurisdiction and power to serve legal process where the owner of the building or structure is in the State of Louisiana. The officer making said service shall make return thereof as in ordinary cases.

B. If the owner of the building or structure is absent from the State and is unrepresented therein, then the notice shall be served upon the occupant of the condemned building or structure. (Ordinance of October 13, 1975, Sections 2 and 3)

##### **SECTION 11:3. CONDEMNATION PROCEEDINGS, PROCEDURE IN PUBLIC EMERGENCY**

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 Mayor and Board of Aldermen as governing authority of said village may condemn the building after twenty-four hours notice served upon the owner or his agent, or upon the occupant. (Ordinance of October 13, 1975, Section 4)

**SECTION 11: 4. CONDEMNATION PROCEEDINGS, DECISION OF GOVERNING AUTHORITY; ORDER TO DEMOLISH OR REPAIR**

After a hearing on the matter, if in the opinion of said governing authority the facts justify it, an order shall be entered condemning the building and ordering that it be demolished or removed within certain delay. If repairs will correct the dilapidated, dangerous or unsafe condition the Mayor and Board of Aldermen may grant the owner the option of making such repairs, but in such 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 said governing authority. Said decision shall be in writing and shall be final unless appealed from within five days as provided in R.S. 33:4763. (Ordinance of October 13, 1975, Section 5)

**SECTION 11:5. CONDEMNATION PROCEEDINGS, 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 forty-eight 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. (LRS 33:4764)

Comment -- As indicated by the source note, the provisions of the above Section were derived from the Louisiana Revised Statutes and not from local ordinance. Since these provisions are self-operative and add to the material of this Chapter, they were included herein for the convenience of the user.

**SECTION 11:6. CONDEMNATION PROCEEDINGS, COMPLIANCE WITH DECISION; DEMOLITION BY MUNICIPALITY WHERE OWNER FAILS 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 Mayor and Board of Aldermen provided he executes a contract in writing obligating himself to have the work done within the required time, and files with the Mayor a copy of said contract together with a bond to guarantee performance.

B. If the owner fails to commence to demolish or repair the subject building, dwelling, or structure within fifteen (15) days of the receipt of the notice, as provided in this section, the Village of Napoleonville, in its discretion, may have the subject, building, dwelling, or structure restored to a safe condition or demolished. The Village of Napoleonville shall charge the owner for the actual cost incurred of any labor and materials for the work performed, plus a fifteen (15%) percent administration and a fifteen (15%) percent collection fee. (Ord. No. 98-01, 7/16/98)

C. Prior to the demolition or removal of the building or structure, 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, giving the time when the work will begin upon the demolition or removal of the building. (Ordinance of October 13, 1975, Section 6)

**SECTION 11:7. CONDEMNATION PROCEEDINGS, LIEN AND PRIVILEGE FOR  
COST OF DEMOLITION**

The village 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 and same may be preserved as set forth in R.S. 33:4766. The Mayor shall appoint an attorney at law to represent the absentee minor or interdict upon whom notices or other proceedings may be served and he shall be paid a reasonable fee to be taxed as part of the costs of demolition. (Ordinance of October 13, 1975, Section 7)

**SECTION 11:8. ADDING OUTSTANDING INVOICES TO AD VALOREM TAX BILL**

If said invoice is not paid by the owner within thirty (30) days of its receipt, the amount thereof plus fifteen percent (15%) collection charges and fifteen (15%) percent administration fees shall be included in and form part of the ad valorem taxes due on said property by the owner and when collected shall be credited to the general fund of the Village. The Village shall adopt an ordinance levying the charges as an assessment to be added to the annual ad valorem tax bill of the property in valued. The ordinance shall be forwarded to the Tax Collector of the Village. (Ord. No. 98-01, 7/16/98)

**SECTIONS 11:9 – 11:24. RESERVED**