* **ARTICLE III. - BLIGHTED PROPERTY, DERELICT AND DANGEROUS BUILDINGS AND OTHER DANGEROUS STRUCTURES PROHIBITED[3]**

***Footnotes:***

*--- (****3****) ---*

***State Law reference—****Parish authority to enact ordinances that declare dilapidated structures as public nuisances and require their repair, rehabilitation, demolition or removal, R.S. 33:1236(49); maintenance of property and liens for removal and securing of dangerous structures, R.S. 33:1236.28; parish authority to remove and secure dangerous structures, R.S. 33:4757.*

* **Sec. 26-84. - Findings and declarations.**

(a)

In addition to and in accordance with the determination made and the authority granted by R.S. 33:4754, to secure and remove any building or other structure which, by reason of its nature or condition, endangers the public welfare or safety, R.S. 33:1236(49), relating to the repair and condemnation of buildings, dwellings and other structures that have become derelict and present a danger to the health and welfare of residents of the parish, and R.S. 14:107.3, relating to criminal blighting of property, which means those commercial or residential premises, including lots, which have been declared vacant, uninhabitable and hazardous by the administrative hearing officer, any such building or other structure which, by reason of its nature or condition, endangers the public welfare or safety, any such buildings, dwellings and other structures that have become derelict and present a danger to the health and welfare of residents of the parish, and any commercial or residential premises, including lots, which have been declared vacant, uninhabitable and hazardous by the administrative hearing officer are hereby declared to constitute a public nuisance, which is expressly prohibited and which may be abated as such in accordance with the provisions of this part.

(b)

For purposes of this article, any property defined as "blighted property," "derelict and dangerous," "otherwise dangerous to human life" or "vacant or not lawfully occupied" shall constitute a public nuisance. Any property that is determined to be a public nuisance, following due notice and a hearing conducted in accordance with the provisions set forth herein, shall be ordered by the hearing officer to be secured and repaired, or the violation corrected, or, depending upon the circumstances, shall declare the property condemned and order it to be demolished and removed. Additionally, the hearing officer shall have all such other authority as set forth hereinafter.

(Code 1998, § 14-030.00)

* **Sec. 26-85. - Standards and definitions.**

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

*Blighted property* , for the purposes of, and in order to meet the provisions of R.S. 14:107.3:

(1)

*Blighted property* means those commercial or residential premises, including lots, which have been declared vacant, uninhabitable and hazardous by an administrative hearing officer. Such premises may include premises which, because of their physical condition, are considered hazardous to persons or property, have been declared or certified blighted and have been declared to be a public nuisance by an administrative hearing officer.

(2)

*Housing violations* mean only those conditions in privately owned structures which are determined to constitute a threat or danger to the public health, safety and welfare or to the environment.

(3)

*Public nuisance* , for the purposes of blighted property, 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 unsanitary, is detrimental to 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 conditions 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 neighborhood in which such public nuisance is located.

*Derelict and dangerous* .

(1)

The phrase "derelict and present a danger to the health and welfare," as used herein, shall include, but is not be limited to, buildings or structures which have any of the following characteristics:

a.

Those which are structurally unsafe, as follows:

1.

Those which have interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside the middle third of its base.

2.

Those which, exclusive of the foundation, show 33 percent or more of damage or deterioration of the supporting member or members or 50 percent of damage or deterioration of the nonsupporting, enclosing or outside walls or covering.

3.

Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used.

4.

As a result of deterioration, inadequate maintenance, damage by fire, wind or other causes so to have become dangerous to life, safety, morals or the general health and welfare of the occupants or people of the parish.

b.

Those which are unhealthful, as follows:

1.

Those which are so dilapidated, decayed or unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those occupying such building.

2.

Reserved.

c.

Those which constitute a fire hazard, as follows:

1.

Those buildings containing electrical wiring and appliances in dangerous and defective conditions likely to cause fire. Electrical wiring and appliances installed, or in use, which are not in compliance with the provisions of any ordinance of the parish regarding such wiring or appliances and the installation thereof shall be deemed dangerous and defective.

2.

Those buildings containing gas plumbing or appliances in dangerous or defective condition likely to cause fire. Gas plumbing or appliances installed or in use which are not in compliance with the provisions of any ordinances of this parish regulating such plumbing and appliances and the installation thereof shall be deemed dangerous and defective.

3.

Those buildings which contain combustible or explosive matter or accumulation of rubbish, trash or unnecessary accumulation of waste paper, boxes, shavings or any highly flammable materials especially liable to fire, therein, or in close proximity thereto.

4.

Those buildings containing numerous openings in the walls or other unstopped spaces throughout, attributable to vandalism or general disrepair, which increased the risk of conflagration in the area.

5.

Those buildings which are vacant and have windows, doors or other openings, which remain unsecured permitting entry by unauthorized persons.

6.

Those buildings which contain other fire hazards in violation of the National Fire Prevention Act, the State Fire Marshal Act, the building code and provisions of this Code or other ordinances of this parish if the violation is of such a nature that the building constitutes a danger to its occupants and/or others.

d.

Those which are otherwise dangerous to human life, as follows:

1.

Those, regardless of their structural condition, which have during times that they were not actually occupied by their owners, lessees or other invitees, been left unsecured from unauthorized entry to the extent that they may be entered and utilized by vagrants or other uninvited persons as a place of harborage or may be entered and utilized by children as a play area.

2.

Those which have part thereof which are so attached that they may fall and injure members of the public or property.

3.

Those which are not provided with adequate egress.

4.

Those buildings existing in violation of any provisions of this Code, the building code, the fire code or other ordinances of this parish if the violation is of such a nature that the building constitutes a danger to its occupants and/or others.

(2)

*Vacant or not lawfully occupied* means a building or other structure including, but not to be limited to, any premises which is not actually occupied by its owner, lessee, or other invitee, and has been left unsecured or inadequately secured from unauthorized entry to the extent that the premises may be entered and utilized by vagrants or other invited persons as a place of harborage or any premises which by reason of dilapidation, deterioration, state of disrepair or other such status is otherwise detrimental to or endangers public safety, health or welfare. The property does not have to have been declared blighted.

(3)

*Secured* , for the purposes of this section, means the closing of the building or structure by means of placing or attaching boards or other materials over doors, windows and other means of entrance in order to prohibit persons from entering the building or structure and in order to maintain it in its present condition without further damage to such building or structure or danger to the public welfare and safety. A building that is boarded up, fenced or otherwise secured in any manner may, nevertheless, be deemed to be a dangerous building under the foregoing criteria if:

a.

The building constitutes a danger to the public even though secured from entry; or

b.

It is found that the means utilized to secure the building are not adequate to prevent unauthorized entry of the building.

(Code 1998, § 14-030.01)