

ORDINANCE NO. 1-84

"AN ORDINANCE AUTHORIZING THE GOVERNING AUTHORITY OF THE TOWN OF ELIZABETH TO CONDEMN AND CAUSE TO BE DEMOLISHED OR REMOVED ANY BUILDING OR STRUCTURE WITHIN THE CORPORATE LIMITS WHEN THE SAME IS IN A DILAPIDATED AND DANGEROUS CONDITION WHICH ENDANGERS THE PUBLIC WELFARE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH."

SECTION 1. BE IT ORDAINED by the Mayor and Board of the Town of Elizabeth, Louisiana, in legal session convened that said governing authority may condemn and cause to be demolished or removed any building or structure within the corporate limits the municipality when it is in a dilapidated and dangerous condition which endangers the public welfare.

SECTION 2. BE IT FURTHER ORDAINED that 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 service 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 whey 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 the Town Marshal of Elizabeth or by any sheriff, deputy sheriff or constable having jurisdiction any 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.

SECTION 3. BE IT FURTHER ORDAINED that 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 and also upon an attorney at law appointed by the Mayor to represent the absentee.

SECTION 4. BE IT FURTHER ORDAINED that 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 Town may condemn the building 24 hours notice served upon the owner or his agent, or upon the occupant and the attorney at law appointed to represent the absent owner.

SECTION 5. BE IT FURTHER ORDAINED that 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 a 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 the 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.

SECTION 6. BE IT FURTHER ORDAINED that the owner or his designated agent may proceed to demolish and remove the building, or have it repaired, in accordance with the order ob 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.

In the event the owner or occupant of the building or structure fails or refused to comply with the decision of the Mayor and Board of Aldermen and fails to appeal therefrom within the legal delays as provided by R.S. 33:4764 then the Mayor may proceed with the demolition or removal of the condemned building or structure in which case neither ne nor the Town of Elizabeth shall be liable for damages.

Prior to the demolition or removal of the building or structure, the Mayor or some official designated by him shall servè notice on the owner or his agent, and on the occupant of the building if any there be, or upon the attorney at law appoointed to represent the absentee giving the time when the work will begin upon the demolition or removal of the building.

SECTION 7. BE IT FURTHER ORDAINED THAT the Town 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 appint 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.

SECTION 8. BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed.

ATTEST:



JEWEL GUNTER, CLERK



WARREN CLARK, MAYOR