

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING PROCEDURES FOR THE IDENTIFICATION, REPAIR, DEMOLITION, AND/OR REMOVAL OF DANGEROUS AND DILAPIDATED BUILDINGS AND STRUCTURES WITHIN THE TOWN OF KILLIAN; PROVIDING FOR THE PROTECTION OF THE PUBLIC HEALTH, SAFETY, AND WELFARE; PROVIDING PROCEDURES PURSUANT TO LA. R.S. 33:4761 ET SEQ.; AND PROVIDING FOR RELATED MATTERS.

WHEREAS,

the Mayor and Board of Aldermen of the Town of Killian, Louisiana, find that dangerous and dilapidated buildings and structures may constitute a threat to the public health, safety, and welfare by creating conditions that endanger persons and property, including but not limited to hazards arising from structural instability, fire, abandonment, deterioration, and other unsafe conditions; and

WHEREAS,

the Town of Killian is authorized pursuant to its police powers and La. R.S. 33:4761 et seq. to establish procedures for the identification and abatement of dangerous and dilapidated buildings and structures within the municipal limits; and

WHEREAS,

the Mayor and Board of Aldermen desire to establish a fair and orderly procedure providing property owners with notice and an opportunity to be heard while protecting the citizens of the Town from unsafe and dangerous conditions;

NOW, THEREFORE, BE IT ORDAINED

by the Mayor and Board of Aldermen of the Town of Killian, Louisiana, in legal session convened, that the following provisions are hereby adopted:

Section 1. Purpose.

The purpose of this ordinance is to establish procedures for the identification and abatement of dangerous and dilapidated buildings and structures within the Town of Killian in order to protect the public health, safety, and welfare and to exercise the authority granted to municipalities by Louisiana law.

Section 2. Authority.

This ordinance is enacted pursuant to the police powers of the Town of Killian and the authority granted by La. R.S. 33:4761 et seq., together with all other applicable provisions of Louisiana law.

This ordinance shall be interpreted and applied consistently with applicable state law. In the event of any conflict between this ordinance and mandatory provisions of state law, state law shall control.

Section 3. Definitions.

For purposes of this ordinance:

A. "Board of Aldermen" means the governing authority of the Town of Killian.

B. "Dangerous or dilapidated building or structure" means any building or structure determined by the Board of Aldermen to constitute a threat to the public health, safety, or welfare or otherwise subject to abatement pursuant to La. R.S. 33:4761 et seq.

C. "Owner" means the person or persons shown as owner of record of the property according to the records of the parish assessor and/or clerk of court.

Section 4. Initiation of Proceedings.

Whenever the Mayor receives information or otherwise has reason to believe that a building or structure within the corporate limits of the Town may be dangerous or dilapidated, the Mayor may investigate the condition of the property or cause the property to be inspected by such persons as the Mayor determines appropriate.

The Mayor may obtain photographs, inspection reports, expert opinions, estimates, or other information necessary to determine whether proceedings should be initiated.

If the Mayor determines that sufficient grounds exist, the Mayor shall sign and submit a written report to the Board of Aldermen recommending the demolition or removal of the building or structure.

Section 5. Services of Attorney to Certify Title; Authority to Obtain Other Assistance.

At such time as the Board of Aldermen receives a written report from the Mayor as required at Section 4 hereinabove concerning a building or structure in need of condemnation, the Board shall retain the services of an attorney at law to research and abstract title to the property and issue a title opinion letter to the Board certifying for a period of time not less than 50 years as to ownership of and the status of taxes, mortgages and liens against the subject property and providing any and all information on the public records detailing the names and addresses of the current owners. This abstract of real estate title, title examination and title certification letter shall be obtained by the Board prior to sending the notices required in Section 6 hereinbelow.

Furthermore, the Mayor is authorized to request assistance from or retain other qualified persons, including contractors, engineers, architects, fire officials, building professionals, or other persons with relevant knowledge, to inspect property, prepare reports, provide estimates, or otherwise assist the Town in proceedings under this ordinance.

Section 6. Notice.

Upon submitting his or her written report to the Board of Aldermen recommending the demolition or removal of the building or structure, the Mayor shall thereafter serve notice on the owner of the building or structure requiring him to show cause at a meeting of the Board of Aldermen, regular or special, 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 prior to the date of the hearing, except in case of grave public emergency as provided in this section below.

The notice may be served by mailing it via the United States Postal Service, by either registered or certified mail, return receipt requested, to the owner at the owner's last known address.

Service by registered or certified mail shall be considered personal service if the certified return receipt or the return form is signed by the addressee. Service by registered or certified mail shall be considered domiciliary service if the certified return receipt or the return form is signed by anyone other than the addressee.

If the registered or certified mail is returned for failure to obtain a signature on the return receipt form or returned due to refusal of delivery, service may be accomplished by first class mail, with a certificate of mailing. Service by first class mail in accordance with this Subparagraph shall be considered personal service and is effective when mailed.

The notice may also be served by the marshal of the Town of Killian or by any sheriff or deputy sheriff or constable having jurisdiction and power to serve legal process where the owner of the building or structure is found in the state of Louisiana, and the officer shall make return of the service as in ordinary cases.

If the owner is absent from the state or unrepresented therein, then 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.

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 Board of Aldermen may condemn the building after twenty-four hours' notice served upon the owner or his agent or the occupant and attorney at law appointed to represent the absentee owner. Any such notice may be attached to a door or main entrance of the premises or in a conspicuous place on the exterior of the premises and shall have the same effect as delivery to or personal service on the owner, occupant, or attorney at law appointed to represent the absentee owner.

Any notice served pursuant to this Section shall be filed by the Board of Aldermen with the recorder of mortgages for Livingston Parish. Once filed, said notice shall be deemed notice to all subsequent transferees. Any transferee of such property takes the property subject to all recorded liens, mortgages, and notices thereunto pertaining.

For purposes of any type of funding assistance being sought by the building or structure owner, any notice served pursuant to this Section shall be de facto proof that the building or structure is more than fifty percent damaged.

Section 7. Hearing Before Board of Aldermen.

The Board of Aldermen shall conduct a public hearing concerning the condition of the property, at which the owner and any other interested person in attendance shall be provided an opportunity to appear and present information regarding the condition of the building or structure.

After consideration of the evidence and information presented, the Board shall determine whether the building or structure is dangerous or dilapidated.

Section 8. Decision of the Board; Order to Demolish or Repair.

If in the opinion of the Board of Aldermen 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 Board 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 Board.

The Board's decision shall be in writing and shall be final unless appealed from within five days as hereinafter provided.

Section 9. Appeal from Order.

The owner, occupant, agent, or other representative of the owner may appeal from the decision of the Board of Aldermen to the Twenty-First Judicial District Court for the Parish of Livingston. The appeal shall be made by the filing of a suit against the Town of Killian, setting forth the reasons why the decision or order of the Board 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 Board, the owner of the building who desires to prevent the demolition or removal thereof must file his petition within forty-eight hours of the posting of the notice of the demolition or removal order on the property 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.

Section 10. Compliance with Decision; Demolition by Town Where Owner Fails to Comply; Notice; Assistance of National Guard.

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 Board of Aldermen, 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 Mayor a copy of the contract, together with a bond to guarantee performance.

In the event the owner or occupant of the building or structure fails or refuses to comply with the decision of the Board and fails to appeal therefrom within the legal delays provided herein, then, in that event, the Mayor may proceed with the demolition or removal of the condemned building, structure, or public nuisance, in which case neither the Mayor nor the Town shall be liable in damages.

Prior to the demolition or removal of the building or structure by the Town, the Mayor or some official designated by the Mayor shall serve notice on 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 when work will begin upon the demolition or removal of the building, structure, or public nuisance.

Notwithstanding Paragraph (1) of this Section, in cases of grave public emergency, the posting of the notice attached to the door or main entrance of the premises or in a conspicuous place on the exterior of the premises giving the time when work will begin upon the demolition or removal of

the building, structure, or public nuisance shall be considered sufficient notice to the owner, occupant or attorney at law appointed to represent the absentee owner.

The Board may request and the adjutant general may assign, subject to the approval of the governor, national guard personnel and equipment to assist in the removal and demolition of condemned buildings, structures, or public nuisances. The provisions of this Section shall be applicable when the budget for the demolition and removal of condemned structures has been expended by the Board. However, the request must be accompanied by documentation that all procedural protections and substantive restraints have been adhered to by the Board.

In the event all procedural protections and substantive restraints have been adhered to by the Board, the Town and its personnel and the national guard and their personnel shall not be liable to the owner of the building, structure, or public nuisance for any damages sustained resulting from the demolition of the building, structure, or public nuisance.

The Mayor is authorized to execute contracts and take administrative actions necessary to carry out any order of the Board of Aldermen.

Section 11. Lien and Privilege for Cost of Demolition, Removal, and Maintenance by Town; Interest; Attorney Fees.

The Town has a privilege and lien upon an immovable and its improvements, and the owner is personally liable for:

- (1) The cost to the Town of maintenance of the immovable or improvements; and
- (2) The cost to the Town of demolishing or removing, or both, a building or other structure situated upon the immovable or improvements, and all attorney fees incurred by the Town in connection with such demolition or removal.

“Maintenance” shall include but not be limited to grass cutting, weed abatement, and trash and garbage removal.

The privilege and lien shall be preserved and enforced only after the owner has refused, after notification by the Town and reasonable opportunity to be heard, to pay the costs incurred by the Town.

The privilege and lien shall be preserved by the filing and recording of an affidavit signed by the Mayor or his designee in the mortgage office of Livingston Parish. The affidavit shall include a description of the property sufficient to reasonably identify the immovable and a statement of facts listing the approximate cost or costs incurred by the Town.

The privilege and lien shall be enforced by ordinary process in the Twenty-First Judicial District Court for the Parish of Livingston within three years after it is perfected. Alternatively, the

privilege and lien may be enforced by assessing the amount of the privilege and lien against the immovable as a tax against the immovable, to be enforced and collected as any ordinary property tax lien to be assessed against the property; the lien and privilege may be collected in the manner fixed for collection of taxes and shall be subject to the same civil penalties for delinquencies.

After the Town has incurred such costs as constitute the lien and privilege on the property, the Mayor may send an attested bill of said costs and expenses which constitute the lien and privilege to the director of administration or tax assessor of Livingston Parish, who shall add the amount of the bill to the next tax bill of the owner. The lien obtained by the Town pursuant to proper notification and filing shall include not only the costs provided for in this section above but shall include all attorney fees and all costs of court incurred in the locating of the owner, the notification of the owner, and the enforcement and collection of the amount secured by the lien against the immovable and the improvements.

The Town may also recover interest on the amounts secured by the lien. The interest shall not exceed the rate of legal interest provided in R.S. 9:3500 and shall be computed from the date of recordation of the lien until paid. The privilege and lien of the Town shall prime all other liens or privileges against the property filed after the notice to the owner to show cause is filed with the recorder of mortgages pursuant to R.S. 33:4762(D), regardless of the date on which the lien and privilege of the Town is perfected, except that the lien and privilege of the Town will not prime other tax liens against the property.

The lien of the Town shall not be cancelled until after payment of all amounts, including costs, attorney fees, and interest.

In addition to the lien and enforcement procedures authorized under this Section, the Town has a cause of action against the owner personally for the costs incurred by the Town, if such owner is not indigent and has the ability to pay a judgment obtained by the Town. Such action may be brought by ordinary proceeding in any court of competent jurisdiction.

If property, which may be subject to a lien and privilege granted in favor of a Town under this Section, is owned in indivision and the owners in indivision, with their proportionate share in the property, are listed separately by the tax assessor on the ad valorem tax roll for the Town, then the Town shall notify each owner in indivision of his liability under this Section.

Upon failure of each owner in indivision to pay his proportionate share of the charges incurred under this Section, that part of the property for which the charges are not paid shall be subject to a lien and privilege in favor of the Town as provided in this Section.

Upon payment by an owner in indivision of his proportionate share listed on the ad valorem tax roll for the Town of the charges, attorney fees, and interest incurred under this Section, and after certification of such proportionate interest by the assessor, the lien and privilege granted under this Section shall be removed from the proportionate interest of the paying owner in indivision. If outstanding charges levied under this Section are added to the annual ad valorem tax bill, the proportionate payment by the paying owner in indivision shall be reflected on the bill, and his interest in the property free of such charge shall be distinguished on the tax bill.

Notice of the lien and privilege required herein shall be made upon the owners in indivision at their actual address or the last known address listed on the tax rolls of the parish.

Section 12. Attorney to Represent Absentee, Minor, or Interdict.

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 an 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 ordinance may be served. The attorney shall be paid a reasonable fee to be taxed as cost.

Section 13. Alternative to Demolition; Repair by Town.

Notwithstanding any other provision of law to the contrary, the Board of Aldermen, as an alternative to demolition or removal, may make the repairs necessary to correct the defects in a condemned structure within its jurisdiction.

The Board may take such action only after a demolition or removal order has been issued and the delay for a legal appeal has run, or an appeal has been denied, and when in the discretion of the Board such action will restore the structure to a state of usefulness to the community.

The decision of the Board to repair the structure may be appealed in the same manner as provided in R.S. 33:4764.

The costs of repairs made pursuant to this Section and a ten percent penalty thereon shall be reimbursed by the owner of the condemned property, and such costs and penalty shall operate as a lien and privilege on the property in favor of the Town. Until such time as the costs and penalty have been paid, the Board may lease such property and apply all revenue received to the amount owed by the owner and to the necessary maintenance of the structure.

Section 14. List of Condemned Properties.

The Town of Killian shall keep and maintain a list of condemned properties throughout the Town.

All properties shall be identified by tax block and lot number, the name of the owner of record, if known, and the street address of the lot.

The condemned property list shall be regularly updated and accessible to the public online through a municipal website or third-party website.

Once the decision and order of the Board of Aldermen is final as provided in this Section, the property shall be added to the list of condemned properties throughout the Town.

The Board shall remove any property from the list of condemned properties once it determines that the property is no longer condemned.

The intent of this Section is to make additional information regarding condemned property available to the public and the press. If the Board has complied with the requirements of R.S. 33:4762 and 4765, it shall be deemed to have met due process requirements regarding notifying property owners about condemned property.

Section 15. Budget for Condemnation Proceedings; Town Clerk to Keep Records of Costs.

The Board of Aldermen shall include in its annual budget reasonable amounts for the payment of abstractors, attorneys, engineers, architects, contractors and other costs and expenses associated with the condemnation of dilapidated or dangerous buildings within the Town.

The town clerk shall maintain a separate and exact record of all fees, expenses and costs incurred by the Board of Aldermen and associated with condemnation of buildings and/or structures. These amounts shall be paid from the budget of the Town's general fund. These records shall include copies of all bills, receipts and cancelled checks.

Section 16. Additional Remedies.

The remedies provided by this ordinance are cumulative and shall not prevent the Town from enforcing any other applicable ordinance or pursuing any other remedy available under state law.

Section 17. Severability.

If any provision of this ordinance is declared invalid or unconstitutional, such declaration shall not affect the remaining provisions, which shall continue in full force and effect.

Section 18. Repealer.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 19. Effective Date.

This ordinance shall become effective upon adoption and publication according to law.

ADOPTED AND APPROVED this ____ day of _____, 20____.

Mayor

ATTEST:

Caleb Atwell

CERTIFICATE

I, _____, Town Clerk of the Town of Killian, do hereby certify that the foregoing ordinance is a true and exact copy adopted by the Killian Town Council at a meeting thereof legally held on the _____ day of _____, 2026.

Town Clerk

Delivered to Mayor: Date _____

Received from Mayor: Date _____

Effective Date: _____