

City of Slidell, Louisiana
Board of Zoning Adjustment
Agenda

December 7, 2023 at 7:00pm

Council Chambers, 2045 2nd St, Slidell, LA

Agenda packet available at myslidell.com/planning/boards/bza

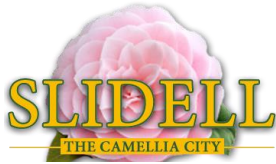
For questions or to provide public comment before the meeting,
email BZA1@cityofslidell.org or call (985) 646-4320 (M-F 8am to 4:30pm)



SCAN ME
for the
BZA website

1. **Call to Order and Roll Call**
2. **Pledge of Allegiance**
3. **Minutes.** Review and approve minutes from May 4, 2023
4. **Request for Recommendation**
T23-04: A request to amend the City of Slidell Code of Ordinances to support implementation of the *Slidell 2040* Comprehensive Plan amending several sections of the code related to nuisance regulations and due processes.
5. **Other Business**
 - a. Consideration of 2024 Meeting Calendar
6. **General and Public Comments**
7. **Adjournment**

The next Board of Zoning Adjustment meeting will be January 4, 2024.



City of Slidell, Louisiana
Board of Zoning Adjustment
Minutes

May 4, 2023 at 7:00 p.m.
Council Chambers, 2045 2nd St, Slidell, LA

1. **Call to Order and Roll Call.** Meeting called to order by Chairperson West at 7:04 p.m.

Commissioners Present

Christine West, Chair
Jordan Granier, Vice Chair-7:17 P.M.
Patrick Brady
Billy Provenzano

Commissioners Not Present

Daniel Laurant
Rene LeBreton

Staff Present

Danny McElmurray, Planning Director
Theresa Alexander, Planner
Anatolii Sysoiev, Planner
Evelyn Campo, Desire Line

2. **Pledge of Allegiance**

3. **Minutes.** Motion by Commissioner Brady to approve minutes of January 5, 2023 as written; Vice Chairperson Granier seconded. A vote of 4 YAYS, 0 NAYS, 0 ABSTAIN approved the minutes.

4. **Public Hearings**

a. **V23-01** A request for an exception from supplemental district regulations in the A-6 Single-Family Urban district; for property located at 3074 Carey Street; identified as Lot 12 and Lot 13, Square 16 of Salmen Addition No. 1 to the Town of Slidell, by Ms. JoBeth Baker.

This was introduced to the Commission by Director McElmurray, who also discussed the nature of the request and the homeowner’s desire to build a 4 foot solid wood fence along the northernmost part of the property. Ms. JoBeth Baker, homeowner then addressed the Commission asking for approval of her request, as the neighbor’s large dog scares her and the barking disturbs her. She is also concerned for the safety of her cat. Chairperson West made a motion to approve the request, with a second by Vice Chairperson Granier. A vote of 4 YAYS, 0 NAYS, 0 ABSTAIN approved the motion.

5. **Other Business**

- a. Director McElmurray introduced Anatolii Sysoiev, new planner to the Commission.
- b. Evelyn Campo of Desire Line addressed the Commission with a presentation on sign ordinance changes and code changes relating to Olde Towne and Main Street.

6. **General and Public Comments.** Director McElmurray reminded the Commission about completing their continuing education.

7. **Adjournment.** Meeting adjourned at 8:10 p.m. on motion by Commissioner Brady, seconded by Vice Chairperson Granier, and a vote of 4 YAYS, 0 NAYS, 0 ABSTAIN.

BRIEF

City Nuisance Regulations

CITY OF SLIDELL, LA: 2023 - 2024 INCREMENTAL CODE AMENDMENT STRATEGY
RE: Administrative hearing process, regulations and procedures affecting private property, and standards for graffiti and trash can pick up.

November 2023



DESIRE LINE

| 3813 DIVISION STREET, SUITE A, METAIRIE, LA 70002

SUMMARY OVERVIEW

BACKGROUND

The recently adopted Slidell 2040 Comprehensive Plan, Chapter 3 - Housing and Neighborhoods identifies “actively enforcing the City’s Property Maintenance Code” as a key strategy to “reinvest in itself and to create a sustainable and resilient community.” The Plan also elevates the implementation action of “Work[ing] with property owners to facilitate redevelopment and reuse of large, commercial developments at North Shore Square Mall and the Manufacturers Retail Outlets (MRO) sites near the junction of I-10 and Old Spanish Trail.” (Action LU-6). These efforts are also reiterated and supported in the St. Tammany Corporation Thrive 2023 Report, which speaks to enhancing community competitiveness and growth potential.

In furtherance of implementing the Comprehensive Plan and Thrive 2023 Report, a series of meetings were held in late 2022 and early 2023 that included members of the city administration, council, departments and divisions, including engineering, building safety and permits, code enforcement, and planning and zoning. As part of these meetings, challenges to the city’s growth and prosperity were discussed, wherein the need to better address nuisance activities was elevated as a key priority for all due to negative impacts to economic development, quality of life, and land development opportunities in the city. Insight and feedback from these meetings identified study priorities, including but not limited to the need to:

1. Establish a streamlined administrative adjudication process to enhance the effectiveness of code enforcement in conformance with state law, that:
 - a. Clearly defines responsible authorities and procedures.
 - b. Improves code interpretation by developing clear definitions, prohibitions, and violation criteria.
 - c. Enhances code navigation by locating nuisance regulations into one location, as much as practicable.
 - d. Improves the injunctive relief powers of the city by enabling the city by establishing abatement procedures through an administrative process.
2. Streamline and strengthen nuisance regulations and due process procedures affecting the maintenance of private property, including:
 - a. Litter, overgrown weeds, vegetation, and noxious accumulations of junk;
 - b. Junked, inoperable, derelict, and/or abandoned cars;
 - c. Vehicles stored on vacant property;
 - d. Graffiti;
 - e. Trash can storage and timely retrieval;
 - f. Similar or repeat offenses by the same property owner within a calendar year.

This brief summarizes existing nuisance regulations and due processes a part of the City of Slidell’s Code of Ordinances, as well as relevant state laws, research, and community best practices included in **Exhibit A**, all to support effective code enforcement. Recommendations aim to establish a streamlined, civil, due process for the adjudication of nuisances, while also improving and clarifying code navigation, enforcement, responsible authorities, procedures, and interpretation. Proposed amendments support ongoing city efforts aimed at improving quality of life, making the city a more attractive place for future

economic development opportunities, and resolving long-standing land development challenges associated with blighted structures and premises.

FINDINGS

1. *Consistency with the Comprehensive Plan.* To support implementation of the Comprehensive Plan, improve quality of life in the city, and advance economic development initiatives; the city desires to mitigate the effects of nuisance activities by establishing an administrative hearing procedure and clarifying the citation, notice, and abatement procedures for key nuisance activities occurring on private property.
2. *State law and existing local regulations.* State law enables municipalities to establish an administrative adjudication hearing to resolve open violations in accordance with established procedures. Because the city does not have an administrative hearing procedure in place, such establishment will require new definitions, authorities, and procedures be added to and amended within the city's code of ordinances to support successful implementation. Authorities within the code are currently set forth in Chapter 2 – Administration and minimum property maintenance standards are in both Chapter 13 – Environment and Chapter 16 – Health and Sanitation.
3. *Existing practices.* Reasonable delays in processing code violations through the City Court system result in several outstanding or unaddressed violations on an ongoing basis. These unresolved violations fail to protect the public's health and safety; undermine the efforts of code enforcement and city staff to appropriately cite and document noncompliant properties, and condone a burdensome cycle of offense, citation, penalty, abatement by city, and repeated offense.
4. *Best Practices.* Over the last fifteen years—since the 2008 housing crash—many communities adopted new property maintenance codes to guard against further property value drops, increased crime, and perceptions of blight, including the City of Slidell (i.e., Ch. 16, Article V—including lien authorization—was adopted in 2009). From the number of lessons and best practices that have emerged, the most relevant to the city of Slidell is the need for a comprehensive approach to property maintenance and nuisance abatement regulations to improve code enforcement efforts to contain blight and encourage reinvestment in vacant properties.
5. *We're half way there.* Upon review of the current codes within the city and best practices, many best practices in nuisance abatement are present (i.e., lien authorization, key nuisance abatement provisions, and collection of fees and costs). The challenge is in establishing a more effective means of processing violations and—where reasonable—streamlining existing standards to support improved understanding and utilization by both code administrators and property owners in the city.
6. *Conclusions.* To streamline the regulation of civil penalties, study recommendations are limited to minimum standards for private property for which the department of building and safety is authorized to correct. Focusing efforts on more effective and predictable nuisance inspections and abatement actions are possible with streamlined standards that prevent illegal storage, clearly identify minimum property maintenance standards, prohibit accumulations of waste, and stem the spread of unsafe structures and premises. Processing these violations through an administrative hearing will further enhance the effectiveness and timeliness of violation correction, which aims to improve the perception of code enforcement and promote a better quality of life in the City of Slidell.

RECOMMENDATIONS

1. Amend Section 1-12. – General penalty within existing Chapter 1 – General Provisions, Article I. – In General, to differentiate procedures and penalties for criminal vs. nuisance violations administratively adjudicated.
2. Add new “Article VI. - Code Enforcement by Administrative Adjudication” to existing Chapter 2 - Administration, to establish a procedure that more effectively processes nuisance violations.
3. Consolidate and streamline nuisance violations on private property in (1) Chapter 13 – Environment, Article II. - Storage of Junk and Article III – Litter, and (2) Chapter 16 – Health and Sanitation – Article II. – Weeds and noxious growths and deposits, and renumber remaining sections to enable efficient processing of violations via alignment with the newly established Chapter 2, Article VI - Code Enforcement by Administrative Adjudication.
4. Relocate, consolidate, and streamline nuisance violations and abatement standards in Chapters 2, 13 and 16 within Chapter 16 – Health and Sanitation, Article V. Divisions 1 through 6, and retitle Article V from “Nuisances and Property Standards” to “Nuisances on Private Property.”
5. Within Chapter 16, streamline notice requirements and add standards in amended Division 6 to provide minimum standards for graffiti removal and the pickup, retrieval, and storage of trash cans on sites not provided with a dumpster, as well as streamline standards for the storage of vehicles on vacant lots.
6. Plan to address police powers related to the abatement and correction of nuisance violations on-street or within the public realm, including the assignment of a quality-of-life officer to support coordination and effective operations across both public and private property.
7. As part of zoning use standards evaluation, consider streamlining and relocating environmental and nuisance abatement provisions applicable to industrial uses within Appendix A to Ch. 13 – Environment.
8. Reconcile administrative standards within Appendix A – Zoning, Part 3 – Administration and Enforcement to reflect civil hearings established in Chapter 2 –Administration.

EXHIBIT A - DETAILED REPORT

Detailed analysis, research, conclusions, and recommendations.

ANALYSIS

LEGAL REVIEW, STATE LAW

1. *What is administrative adjudication?* The administrative adjudication process affords citizens and property owners due process in a separate hearing process outside of district courts to dispute a violation citation prior to city abatement actions. As part of this process, alleged violators may provide testimony or dispute the validity of a violation citation and a hearing officer can issue orders or retract violations made in error.
2. *Authority.* Municipalities are granted the authority to establish an administrative adjudication hearing process as per Louisiana Revised Statutes Title 13. Courts and Judicial Procedure, Section 2575 (LA R.S. 13§2575), including the right to prescribe civil fines for blighted property and public health, housing, fire code, environmental, and historic district ordinance violations.
3. *Minimum requirements for establishment.* To establish a local administrative adjudication procedure for nuisance violations, state law requires—at a minimum—that a local ordinance must be passed that:
 - a. Provides for the appointment of at least one hearing officer;¹ and
 - b. Grants the hearing officer the authority to:
 - i. Administer oaths and affirmations;
 - ii. Issue orders compelling the attendance of witnesses and defendants and the production of documents;
 - iii. Levy fines, fees, penalties, and hearing costs;
 - iv. Order violators to correct violations;
 - v. Take necessary and lawful measures to effect correction of the violation if the violator fails to do so within the time allocated by the hearing officer;
 - vi. Record orders, judgments, notices of judgments, or liens.
 - c. Requires specific notification, hearing, and appeal procedures.
 - d. Requires a lien and privilege on property if an individual charged fails to comply with the hearing officer's order.
 - e. Require the hearing officer explain and record the order, judgment, notice of judgment, or lien assessing any fines, costs, and penalties.
 - f. Provide for the amount and disposition of fines, penalties, costs, and fees.
4. *Required hearing notice.* State law also requires that—when a violation is processed via an administrative adjudication hearing—the local jurisdictions provide alleged violators at least fifteen

¹ Must be the director of health for the City, Health officer for St. Tammany Parish, their designee, or an individual licensed to practice law in Louisiana for at least two years.

days' notice prior to the scheduled hearing date (LA R.S. 13§2575 D1 and LA R.S. 13§2575 D2), which may be sent by certified mail, or be personally served (including on site notification). The notification must state the time, date, location of the hearing, and the alleged violation.

5. *Minimum deadline for decision-making.* State law requires that—if the alleged violation is not remedied before the correction date—the hearing officer issue an order within thirty days of the hearing sent through certified mail or served personally, stating whether or not the person charged is liable for the violation, and the amount of any fine, penalty, costs, or fee assessed against him, and a date by which the violation must be corrected.
6. *No required compliance periods for common nuisance violations.* With the exception of blighted and abandoned buildings, which can be reasonably considered separately from common nuisance violations—state law does not specify minimum compliance periods for nuisance violations, so it is within the city's authority to establish unique correction dates for specific violations and include these deadlines on the first notice of violation.
7. *Required notice, demolition or unsafe structures.* Notification requirements for buildings and premises determined to be unsafe and unable to be secured are described in LA R.S. 33§1236.28 and LA R.S. 33§4762. Due to the more severe and costly nature these violations, they require review by the mayor, chief executive, or City Council prior to proceeding with a notice of violation and commencement of enforcement actions. Minimum requirements also include multiple (i.e. two), and longer notice processes (i.e. 30 days), an official meeting or hearing (i.e. and administrative hearing) where the property owner can provide testimony or dispute an alleged violation, and extra efforts to ensure persons with an interest in the property are aware of the violation and potential for city abatement.

EXISTING REGULATIONS IN THE CITY OF SLIDELL CODE OF ORDINANCES

1. *Background.* Most of Slidell's nuisance regulations were originally adopted in 1966 and amended in 2005 and 2009 during a significant, national housing market crash. Authorities within the code are currently set forth in Chapter 2 – Administration, and minimum property maintenance standards are in both Chapter 13 – Environment and Chapter 16 – Health and Sanitation.
2. *Authority to administratively adjudicate open violations.*
 - a. There is currently no administrative adjudication process in the city that addresses nuisance violations outside of criminal courts, which can result in a backlog of cases in City Court, delays in processing time and less effective and consistent code enforcement outcomes.
 - b. As part of criminal court proceedings, code violation cases are heard in the same manner and before the same court that rules on a wide variety of cases including traffic violation, adult criminal, juvenile felony and misdemeanor, small claims, child abuse, adoption, civil, and eviction cases.
 - c. Reasonable delays in the City Court system result in several outstanding or unaddressed violations on an ongoing basis. These unresolved violations fail to protect the public's health and safety; undermine the efforts of code enforcement and city staff to appropriately cite and document noncompliant properties, and condone a burdensome cycle of offense, citation, penalty, abatement by city, and repeated offense by the same property or property owner.
3. *Definitions.*
 - a. *Nuisance.* Apart from a definition of “nuisance” relating to animals “damaging, soiling, defiling or defecating on property other than its owner's,” there is no standard definition of nuisance in

the code, which can mean “anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.”

- b. *Adjudication procedures.* Terms related to *abatement*, *administrative hearing*, and *hearing officer* are currently undefined. The following are example definitions for these terms:
- i. *Administrative hearing* means a hearing that is authorized to take place outside the judicial process before hearing officers who have been granted judicial authority specifically for the purpose of conducting such hearings.
 - ii. *Hearing officer* is synonymous with administrative hearing officer and administrative law judge, and means a government official who reviews records, conducts hearings, determines issues, and renders decisions on various code violations involving agencies or the public as authorized by applicable laws and regulations, including the Administrative Procedure Act.
 - iii. *Abatement* means any action taken to reduce, relieve, or suppress another continuing act.
- c. *Nuisance terminology.* Definitions related to the regulation of nuisance activities (i.e. junked vehicles, litter, trash, etc.) are generally split between Ch. 13 – Environment and Ch. 16 – Health and Sanitation. Terms currently identified and defined in the Code that are applicable to this study include:
- i. *Abandoned or inoperable vehicles* are defined in both Chapter 13 and Chapter 16.
 - A. Chapter 13 defines an abandoned vehicle as any junked, wrecked, or dismantled vehicle, or any parts of such vehicle, which is incapable of being lawfully driven upon the highways and streets. Vehicles which are otherwise in compliance with R.S. 32:1301— 32:1313 (unsafe operation of vehicles) are not considered to be abandoned, inoperable vehicles for purposes of this chapter. Furthermore, lack of current and/or valid registration, inspection or license plate alone does not constitute abandoned, inoperable condition, except as it pertains to vehicles covered under section 13-23.
 - B. Chapter 16 defines abandoned vehicle as any of the following: (1) A vehicle which is inoperable and is left unattended on public property for more than 24-hours; or (2) A vehicle which is inoperable and is left unattended on the shoulder of a right-of-way of highway or street for more than three days; or (3) A vehicle which has remained illegally on public property for more than three days; or (4) A vehicle that has remained on private property without the consent or person in control of the property for more than three days.
 - ii. *Antique vehicle* means any motor vehicle 25 years or older, which is operable and substantially in its original condition.
 - iii. *Litter and littering* are defined in both Chapter 13 and Chapter 16 respectively. As applied in Chapter 13, litter means garbage, cigarette or cigar butts, refuse, waste materials, or any other discarded, used or unconsumed substance which is not handled as specified in this Chapter 13. "Litter" shall also include signs not in conformance with the city's sign ordinance. Conversely, "littering" is defined in Chapter 16 as a violation of the property standards described in Section 16-101.
 - iv. *Derelict or junk vehicle* means a vehicle which is in any of the following states or conditions: (1) Wrecked; (2) Dismantled; (3) Partially dismantled; (4) Not lawfully operable on public

streets. If a vehicle, on its own power, can start and move forward and backward at least ten feet, there shall be a rebuttable presumption that said vehicle is operable.

- v. *Junk* means any of the following: (1) Any discarded material or article, not placed for collection and disposal in accordance with all laws and regulations and all specifications and requirements of the collector of solid waste. (2) Any material or article which has no further useful life in its original form and has not been converted to another useful purpose. (3) Any unused appliance and/or parts thereof, including but not limited to a washing machine, clothes dryer, refrigerator and freezer. (4) Machinery and/or equipment or parts thereof, other than derelict or junked vehicles or abandoned vehicles as defined in sections 16-61 and 16-71 of this article, which, by reason of deterioration through rusting, rotting or otherwise, have become inoperable and/or unusable for the purpose for which they were intended. (5) Construction and other debris, including, but not limited to, railroad cross ties (when not incorporated into railroad track beds and not used for landscaping); excess or remnant building materials; vegetative matter; and trees, shrubs, and other debris resulting from land clearing, construction site preparation, or construction site modification. (6) Wastepaper, boxes and crates and/or parts thereof.
- vi. *Maintenance of junk* means the placement, keeping, leaving, or storage of "junk" as defined above, except under the circumstances specified in 16-103 (c).²

4. *Responsibility to enforce.* The Code currently lists enforcement authorities as follows:

- a. Chapter 2 - Building and Permit Department is responsible for all code enforcement.
- b. Chapter 13 - Building and Permits Department and Police enforce Litter standards, only Building and Permit Department enforce junk standards.
- c. Chapter 16, Article V - Responsible enforcement parties are the Building and Permit Department, the property inspector, and any city employee recruited by the property inspector. Additional provisions state that the property inspector can also request assistance from St. Tammany Fire Protection District No. 1, and any other city employee.

Based on the current code, multiple departments are responsible for the enforcement of specific nuisances, which can create responsibility ambiguity and lead to inconsistent enforcement approaches, potentially making the City vulnerable to legal challenges.

5. *Code organization and relevant regulations.* Minimum property maintenance standards within the Code are in various, sometimes multiple, chapters making it difficult to isolate and determine associated fines and penalties. Most of the private property violations cited by the Code Enforcement Division are in Chapter 13- Environment and Chapter 16- Health and Sanitation. Upon review of cited amendments, these chapters were drafted and amended at different times by different departments, which has created a general lack of consistency and alignment regarding code organization, procedures, terminology, and intent. Chapters that include regulations for priority nuisance activities identified in this study are summarized below:

- a. Chapter 13 – Environment. Chapter 13 includes regulations needed to comply with the city's MS4 permit, is administered by the Engineering Department, and includes standards in support of the City Community Rating System (CRS) program. Nuisance regulations within Chapter 13 relevant to this study include:

² Maintenance of junk does not include the keeping, leaving or storage of junk in an enclosed building, or in a lawfully permitted salvage yard or junkyard that is in full compliance with all laws.

- i. *Junk- Article II. Storage of junk.*

Sections 13-21 through 13-31, established in 1966.

 - Enforced by Building and Safety Department.³
 - Include definitions; prohibitions for public, residential, and commercial areas (or ‘ways’); and supplemental regulations for junk and salvage yards.
 - No penalties listed when in violation of minimum standards.
- ii. *Litter- Article III. Litter.*

Sections 13-52 through 13-69; established in 2005.

 - Enforced by the Building and Safety and Police Departments.⁴
 - Includes definitions; penalties; abatement; costs; prohibitions specific to improper disposal of various materials into streets, waterways, public areas etc.; and requires certain vehicles to be covered.
 - Penalties for a first conviction are \$100 - \$200 and seven hours of community service. Penalties for a second conviction are \$250 - \$300 with eight hours of community service. The third conviction results in a \$350 - \$500 penalty, and imprisonment of up to six months or twenty-four hours of community service. Additionally, violators must repair or pay damages for any property damage caused by the violation.
- b. Chapter 16- Health and Sanitation. Most nuisances currently cited by the Code Enforcement Division are located in Ch. 16, Article II - Weeds and noxious growths and deposits, and Article V - Nuisances and property standards. Nuisance regulations within Chapter 13 relevant to this study include:
 - i. *Article I- In general.*
 - Sections 16-1 through 16-3, established 1966.
 - Regulations reference state sanitary code, prohibitions on septic tanks, and a requirement for “general cleanliness.”
 - ii. *Article II- Weeds and noxious growths and deposits.*
 - Sections 16-21 through 16-24; established 1966 and amended in 2010 and 2017.
 - Includes nuisance declaration; requirement to cut grass; authority of the city to cut; abatement procedures, liable party; recording procedures; liens; details fines and costs by city.
 - iii. *Article V - Nuisances and property standards.* Most nuisance regulations were established in 2009 within Article V and are divided into divisions focused on one or more nuisance. Divisions are organized inconsistently across both regulations and procedures, with the

³ Slidell, LA, Code of Ordinances, Chapter 2- Administration, Article III- Officers and employees, Division 2- Organization Plan, Section 2-107 (7).

⁴ Slidell, LA, Code of Ordinances, Chapter 13- Environment, Article III- Litter, Section 13-53.

exception that all minimum property standards are enforceable by the property inspector.⁵
Divisions include:

- A. *Division 1 - In general.* (Sections 16-71 to 77).
Establishes certain minimum standards for the use of property in the city, states that violations of “minimum property standards” constitute a public nuisance, and are subject to abatement, liabilities, and penalties.
 - B. *Division 2 - Abandoned Vehicles.* (Sections 16-81 to 83).
Includes definitions of abandoned vehicle; prohibition of and declaration as a nuisance (one section 16-82); and abatement procedures.
 - C. *Division 3 - Derelict or junk vehicles.* (Sections 16-91 to 93).
Includes junked or delict vehicle definitions; prohibition of and declaration of nuisance.
 - D. *Division 4 - Littering and maintenance of junk.* (Sections 16-101 to 105).
Includes definition and prohibitions on littering and maintenance of junk; abatement procedures; liable party; collection of fines.
 - E. *Division 5 - Dangerous or unsafe structures* (Sections 16-111 to 112).
Includes city authority to demolish unsafe structures and recover costs associated with demolition, maintenance, and removal; and procedures for securing unsafe structures.
- c. *Chapter 27: Traffic and Vehicles.* This chapter addresses moving traffic violations but does not regulate parking on private property. Vehicles that cause a public nuisance are mentioned in abatement procedures but are not explicitly declared a nuisance. The police department is responsible for enforcement.⁶
6. *Minimum notice requirements.* Minimum notice requirements for code violations are difficult to locate, interpret, and consistently maintain compliance with (summarized below); potentially making the City vulnerable to legal challenges and adding unnecessary administrative burdens to existing, inherently challenging staff workflows, summarized below and within Table 1:
- a. *Time period to comply with initial notice.* There is currently no standard compliance period for graffiti and unsafe signs and there is no notification procedure for demolition and removal of condemned dangerous and unsafe structures.
 - b. *Type of notice required.* The type of notice required for weeds, noxious accumulations, junk, and litter is not specified. Current regulations also do not specify to utilize mailed notification when a junked vehicle on private property is inaccessible to code enforcement. For dangerous and unsafe structures, current ordinances authorize the city to condemn a property after 24 hours’ posted notice.

⁵ Slidell, LA, Code of Ordinances, Chapter 16- Health and Sanitation, Article V- Nuisances and property standards, Division 1- In general, Section 16-75.

⁶ Slidell, LA, Code of Ordinances, Chapter 27- Traffic and vehicles, Article I- In general, Section 27-1.

- c. *Time period to request an administrative hearing.* Existing notification regulations for nuisance violations do not specify a resident’s right an administrative hearing.
- d. *Time period to address fees, fines, and costs of abatement from the date of invoice.* There is currently no deadline to address or assign fees, fines or penalties for graffiti and unsafe sign violations.

Table 1. Existing Notification Procedures on Private Property

Description	Existing
Time period to comply with initial notice of violation	
Abandoned, inoperable, junk vehicles	24 hrs - abandoned vehicle; 10 days - junked vehicle
Weeds, noxious accumulations, litter, and junk	10 days
Graffiti and unsafe signs	No standard
Dangerous and unsafe structures	10 days to secure*
Type of notice required	
Abandoned, inoperable, junk vehicles	Tagged windshield only
Weeds, noxious accumulations, litter, and junk	Refers generally to 'sufficient notice' either by mail or onsite (or both)
Graffiti and unsafe signs	No standard
Dangerous and unsafe structures or premises	Mailed notice
Time period to request administrative hearing from date of violation notice	
Abandoned, inoperable, junk vehicles	No standard
Weeds, noxious accumulations, litter, and junk	
Graffiti and unsafe signs	
Dangerous and unsafe structures	
Time period to address fees, fines and costs of abatement from the date of invoice	
Abandoned, inoperable, junk vehicles	30 days
Weeds, noxious accumulations, litter, and junk	30 days
Graffiti and unsafe signs	NA
Dangerous and unsafe structures	30 days

**Except in the case of grave public emergency, in which 24 hours' posted notice is required.*

RESEARCH

Since the housing market crash in 2008, local code enforcement officials have struggled to keep pace with inspections and nuisance abatement actions. Fortunately, in the fifteen years since the crash, many lessons and best practices have emerged.⁷ Most relevant to the City of Slidell is the need for a comprehensive approach to property maintenance and nuisance abatement regulations to improve code enforcement efforts to contain blight and encourage reinvestment in vacant properties. Other best practices and strategies to manage and promote economic development include land banking, vacant property information systems, vacant property registration ordinances,⁸ and providing local authorization to place a lien against noncompliant properties to recoup the costs of abatement. Further, it is not uncommon for communities to have enhanced standards for beautification including standards for garbage can placement and removal and prohibitions for public nuisances like parking on vacant lots and graffiti.⁹

For the purpose of this study, it is important to note that over the last fifteen years, many communities adopted updated property maintenance codes to guard against further property value drops, increased crime, and perceptions of blight, including the City of Slidell (Ch. 16, Article V—including lien authorization—was adopted in 2009). According to the National Vacant Properties Campaign, a comprehensive approach to code enforcement is one of the three core components of successful vacant land reclamation planning efforts (coupled with a vacant property monitoring system and a mechanism to facilitate property acquisition and reuse).¹⁰ Beyond focusing on traditional blight, such efforts aim to proactively stem the tide of disinvestment by linking property abandonment, maintenance, and perceptions of blight to prohibited activities that threaten the public's health, safety and welfare.¹¹ With a set of clear standards for property maintenance and exterior storage (including waste and trash receptacles), combined with prohibitions for noncompliant uses and illicit activities (vehicles parked on vacant lots and graffiti), more effective and manageable nuisance inspections and abatement actions are possible.

CONCLUSIONS

1. While code violations can include any and all violations of the code, it is important to clearly differentiate between:
 - a. The authority to regulate minimum standards for private property for which the department of building and safety is authorized to inspect, cite, and enforce through civil

⁷ Jim Schwab, AICP, and David Morley, AICP, Editors; Julie Von Bergen, Assistant Editor; Lisa Barton, Design and Production, Zoning Practice - Practice Neighborhood Stabilization (ISSN 1548-0135) Vol. 27, No. 6. Copyright ©2010 by American Planning Association, 122 S. Michigan Ave., Suite 1600, Chicago, IL 60603.

⁸ Business and Professional People for the Public Interest. 2010. How Can Municipalities Confront the Vacant Properties Challenge? A Toolkit. Chicago: Business and Professional People for the Public Interest. www.bpichicago.org.

⁹ New Orleans, LA, Code of Ordinances, Chapter 138- Solid Waste, Article II- Collection and Disposal, Section 138-42 - Days of collection; placement and removal of garbage carts.

¹⁰ National Vacant Properties Campaign. 2005. Vacant Properties: The True Costs to Communities. Washington, D.C.: National Vacant Properties Campaign. www.vacantproperties.org.

¹¹ Schilling, Joseph. 2009. "Code Enforcement and Community Stabilization: The Forgotten First Responders to Vacant and Foreclosed Homes." Albany Government and Law Review, 2(1): 101-162. www.albanygovernmentlawreview.org.

penalties assessed as part of proposed code enforcement by administrative hearing procedures; and

- b. The authority to regulate and enforce regulations pertaining to the human activities occurring on both public and private property for which the police department is authorized to issue tickets, make arrests, and assess criminal penalties.

For example, if a person is illegally dumping appliances (such as discarded refrigerators, washing machines, etc.) on a vacant lot, the police department would attempt to apprehend the perpetrator for a criminal offense (i.e. littering) in accordance with Ch. 13 – Environment. If this person was not able to be apprehended (and forced to collect and properly dispose of white goods illegally placed on site), the building and safety department would work with the vacant property owner to help them secure the site (best practices call for fencing, lighting, signage, and cameras to deter illegal dumping), and—if unable to secure the site—require the property owner remove and properly dispose of litter or junk on site.

In an effort to streamline the regulation of civil penalties, study recommendations address only minimum standards for private property for which the department of building and safety is authorized to correct.

2. More effective and manageable nuisance inspections and abatement actions are possible with streamlined standards that prevent illegal storage, clearly identify minimum property maintenance standards, prohibit accumulations of waste, and deter the spread of unsafe structures and premises. Processing these violations through an administrative hearing will further enhance the effectiveness and timeliness of violation correction, which aims to improve the perception of code enforcement and promote a better quality of life in the City of Slidell.

RECOMMENDATIONS

1. Amend Section 1-12. – General penalty within existing Chapter 1 – General Provisions, Article I. – In General, to differentiate procedures and penalties for criminal vs. nuisance violations administratively adjudicated and detailed in **Exhibit B**.
2. Add new “Article VI. - Code Enforcement by Administrative Adjudication” to existing Chapter 2 - Administration, to establish a procedure that more effectively processes nuisance violations, outlined below, and detailed in **Exhibit B**.

Chapter 2. – Administration.

Article VI. - Code Enforcement by Administrative Adjudication.

Division 1. Authority and Establishment.

Sec. 2-275	Purpose.
Sec. 2-276	Definitions.
Sec. 2-277	Authorization and establishment.
Sec. 2-278	Civil nature of nuisance violations.
Sec. 2-279	Article’s relationship to the Code of Ordinances and other court proceedings.
Sec. 2-280	Administrative hearing officer(s).
Sec. 2-280.1	General powers of the hearing officer.
Sec. 2-280.2	Hearing officer authorities regarding corrective action, fines and penalties.
Sec. 2-281	Administrative fees.

Sec. 2-282 — Sec. 2-285 – Reserved.

Division 2. Hearing Procedures.

Sec. 2-286 Adjudication hearing case referral and file minimum requirements.

Sec. 2-287 Hearing notice requirements.

Sec. 2-288 Attendance and hearing proceedings.

Sec. 2-289 Hearing officer decision-making and determination of penalties.

Sec. 2-290 Disposition of case via payment of the civil penalty and verification of correction.

Sec. 2-291 Appeals.

Sec. 2-292 — Sec. 2-296 – Reserved.

Division 3. Enforcement.

Sec. 2-297 Generally.

Sec. 2-298 Corrective actions.

Sec. 2-299 Liens.

3. Consolidate and streamline nuisance violations on private property in (1) Chapter 13 – Environment, Article II. - Storage of Junk and Article III – Litter, and (2) Chapter 16 – Health and Sanitation – Article II. – Weeds and noxious growths and deposits, and renumber remaining sections to enable efficient processing of violations via alignment with the newly established Chapter 2, Article VI - Code Enforcement by Administrative Adjudication, and detailed in **Exhibit B**. *Note: Proposed changes will not impact CRS reporting or current point categories, as litter standards, enforcement, etc. subject to MS4 and floodplain regulations are unaffected by changes.*
4. Relocate, consolidate, and streamline nuisance violations and abatement standards in Chapters 2, 13, and 16 within Chapter 16 – Health and Sanitation, Article V. Divisions 1 through 6, and retitle Article V from “Nuisances and Property Standards” to “Nuisances on Private Property,” outlined below and detailed in **Exhibit B**.

Chapter 16. – Health and Sanitation

Article V. – Nuisances on Private Property

Division 1. - In General

Sec. 16-71. Definitions.

Sec. 16-72. Responsibility for property maintenance.

Sec. 16-73. Purpose and prohibited nuisance activities established.

Sec. 16-74. Adoption and application of the International Property Maintenance Code.

Sec. 16-75. Standard notice procedures applicable to all nuisance violations.

Sec. 16-76. Right to request an administrative hearing.

Sec. 16-77. Responsibility for abatement costs; collection of outstanding invoices, no administrative hearing requested.

Sec. 16-78. Placard removal a separate violation of this article.

Sec. 16-79. Penalty for violation of article.

Secs. 16-80—16-85. - Reserved.

Division 2. - Abandoned, Inoperable, and Junked Vehicles Stored on Private Property.

Sec. 16-86. Purpose.

Sec. 16-87. Declaration of nuisance.

Sec. 16-88. Prohibition on private property.

Sec. 16-89. Notice requirements, administrative hearing, abatement, and penalties.

- Sec. 16-90. Removal; tow truck operator to notify and work with code enforcement, re: vehicle storage, sale, or disposal.
 - Sec. 16-91. Redemption by owner.
 - Secs. 16-92—16-95. - Reserved.
 - Division 3. - Weeds, Noxious Accumulations, Litter, and Junk.
 - Sec. 16-96. Purpose.
 - Sec. 16-97. Declaration of nuisance.
 - Sec. 16-98. Prohibition on private property.
 - Sec. 16-99. Notice requirements.
 - Sec. 16-100. Removal; litter, junk, high grass, and debris.
 - Secs. 16-101—16-110. - Reserved.
 - Division 4. – Graffiti and Unsafe Signs.
 - Sec. 16-111. Purpose.
 - Sec. 16-112. Declaration of nuisance.
 - Sec. 16-113. Prohibition on private property.
 - Sec. 16-114. Notice requirements.
 - Sec. 16-115. Penalties, Graffiti.
 - Secs. 16-116—16-125. - Reserved.
 - Division 5. - Dangerous and Unsafe Buildings and Premises.
 - Sec. 16-126. Purpose.
 - Sec. 16-127. Declaration of nuisance.
 - Sec. 16-128. Minimum standards for securing dangerous or unsafe buildings or premises.
 - Sec. 16-129. Compliant, investigation, and report.
 - Sec. 16-130. Review of report and determination by mayor.
 - Sec. 16-131. First notice to persons with interest in premises.
 - Sec. 16-132. Second notice to persons with interest in premises.
 - Secs. 16-133—16-140. - Reserved.
 - Division 6. - Garbage cans and vehicle storage.
 - Sec. 16-141. Purpose.
 - Sec. 16-142. Declaration of nuisance.
 - Sec. 16-143. Prohibition on private property; no dumpster provided.
 - Sec. 16-144. Inspection and notice requirements.
 - Sec. 16-145. Penalties.
 - Secs. 16-146—16-155. - Reserved.
5. Reconcile administrative standards within Appendix A – Zoning, Part 3 – Administration and Enforcement to reflect civil hearings established in Chapter 2 – Administration.
 6. Within Chapter 16, streamline notice requirements and amend standards in Division 6 that prohibit the storage of vehicles on vacant lots and provide minimum standards for the pickup, retrieval, and storage of trash cans on sites not provided with a dumpster, as detailed in **Exhibit B**. Additional detail on proposed amendments to required notice procedures are additionally summarized below.

Table 2. Proposed Changes to Notification Procedures on Private Property.

Description	Existing	Changed (Y/N)	Proposed Change
Time period to comply with initial notice of violation			
Abandoned, inoperable, junk vehicles	24 hrs. - abandoned vehicle; 10 days - junked vehicle	Yes	Limits to private property; 10 days
Weeds, noxious accumulations, litter, and junk	10 days	No	-
Graffiti and unsafe signs	No standard	Yes	7 days
Dangerous and unsafe structures	10 days to secure	Yes	Expanded to address securing (10 days) and removing/demolishing (30 days) unsafe structures.
Garbage cans & vehicle storage	NA	Yes	Time dependent on the nature of the violation and the time necessary to comply
Type of notice required			
Abandoned, inoperable, junk vehicles	Tagged windshield only	Yes	Tagged windshield + addresses inaccessible vehicles
Weeds, noxious accumulations, litter, and junk	general 'sufficient notice' either by mail or onsite (or both)	Yes	Clarifies that both mailed and onsite posting is required
Graffiti and unsafe signs	No standard	Yes	Clarifies both onsite and mailed notice required; special considerations for graffiti abatement, re: minors and criminal penalties.
Dangerous and unsafe structures or premises	Mailed notice	Yes	Certified mail, personally serve resident, on site placard.
Garbage cans & vehicle storage	NA	Yes	On site
Time period to request administrative hearing from date of violation notice			
Abandoned, inoperable, junk vehicles		Yes	
Weeds, noxious accumulations, litter, and junk		Yes	
Graffiti and unsafe signs	No standard	Yes	5 days
Dangerous and unsafe structures		Yes	
Garbage cans & vehicle storage		Yes	
Time period to address fees, fines and costs of abatement from the date of invoice			
Abandoned, inoperable, junk vehicles	30 days	No	
Weeds, noxious accumulations, litter, and junk	30 days	No	
Graffiti and unsafe signs	No Standard	Yes	30 days
Dangerous and unsafe structures	30 days	No	
Garbage cans & vehicle storage	NA	Yes	

EXHIBIT B: PROPOSED CODE

Comprehensive Code Enforcement Administrative Adjudication and Nuisance Regulations

Appendix B includes draft language, where:

1. **Bold and blue text** represents proposed new language.
2. ~~Dark red and strikethrough text~~ represents proposed deleted language from the previous ordinance.
3. Green underlined text represents language moved from current Code of Ordinances.
4. Black text represents language retained in the current ordinance.

Recommendation No. 1

Amend Section 1-12. – General penalty within existing Chapter 1 – General Provisions, Article I. – In General, to differentiate procedures and penalties for civil nuisance violations administratively adjudicated, to read as follows:

Chapter 1 – General Provisions.

Article I. – In General.

* * *

Sec. 1-12. – General penalty.

- (a) It shall be unlawful for any person to violate or fail to comply with any provision of the Code or commit any act declared to be unlawful.
- (b) **When violation and penalty provisions are not otherwise provided**, the violation of any provision of this Code ~~with the exception of Chapters 11 and 27, which penalty provisions are provided therein, shall be is~~ punished by a fine not exceeding \$1,000.00 or imprisonment for a term not exceeding six months, or by both fine and imprisonment, within the discretion of the court. Each day any violation of any provision of this Code shall continue constitutes a separate offense. Any penalty heretofore adopted prior to the effective date of this section is hereby repealed.
- (c) **Violations which may be administratively adjudicated in accordance with procedures, fines, and standards set forth in Chapter 2, 13, and 16 of this Code are declared civil violations enforceable by a fine not exceeding \$500.00 per day within the discretion of the hearing officer unless specifically described otherwise in this Code.**

Charter reference— Power to provide penalties for the violation of ordinances, § 2-17.

State Law reference— Maximum penalty for violating ordinances, R.S. 33:362(A)(2)(b).

* * *

Recommendation No. 2

Add new “Article VI. - Code Enforcement by Administrative Adjudication” to existing Chapter 2 - Administration, to establish a procedure that more effectively processes nuisance violations outlined and to read as follows:

Chapter 2. – Administration

ARTICLE VI. - CODE ENFORCEMENT BY ADMINISTRATIVE ADJUDICATION

Division 1. Authority and Establishment.

- Sec. 2-275 - Purpose.
- Sec. 2-276 - Definitions.
- Sec. 2-277 - Authorization and establishment.

- Sec. 2-278 - Civil nature of nuisance violations.
- Sec. 2-279 – Article’s relationship to the Code of Ordinances and other court proceedings.
- Sec. 2-280 - Administrative hearing officer(s).
- Sec. 2-280.1 – General powers of the hearing officer.
- Sec. 2-280.2 – Hearing officer authorities regarding corrective action, fines and penalties.
- Sec. 2-281 - Administrative fees.
- Sec. 2-282 — Sec. 2-285 – Reserved.

Division 2. Hearing Procedures.

- Sec. 2-286 - Adjudication hearing case referral and file minimum requirements.
- Sec. 2-287 – Hearing notice requirements.
- Sec. 2-288 – Attendance and hearing proceedings.
- Sec. 2-289 – Hearing officer decision-making and determination of penalties.
- Sec. 2-290 – Disposition of case via payment of the civil penalty and verification of correction.
- Sec. 2-291 - Appeals.
- Sec. 2-292 — Sec. 2-296 – Reserved.

Division 3. Enforcement.

- Sec. 2-297 - Generally.
- Sec. 2-298 - Corrective actions.
- Sec. 2-299 - Liens.

Chapter 2. – Administration

* * *

ARTICLE VI. - CODE ENFORCEMENT BY ADMINISTRATIVE ADJUDICATION

Division 1. Authority and Establishment.

Sec. 2-275 - Purpose.

This article is established to provide alleged code violators due process, increase the frequency and timeliness of corrective actions, and authorize city abatement activities through the enactment of an administrative hearing procedure and associated authorities, standards and procedures, all of which support the city's quality of life, safety, and welfare.

Sec. 2-276 - Definitions.

The following definitions support interpretation of this Code. Whenever applicable, terms may be used interchangeably and are to be generally applied inclusive of related terms and properties so affected.

Abatement means any action taken to reduce, relieve, or suppress another continuing act.

Administrative hearing means a hearing that is authorized to take place outside the judicial process before hearing officers who have been granted judicial authority specifically for the purpose of conducting such hearings.

Decision or order means an act of the administrative hearing officer under authority of this article.

Director means the head of a city agency or department.

Immovable property means any unimproved land, any improved land, and any buildings, structures or other things, of whatever nature or description, that are permanently attached to such land.

Hearing officer is synonymous with administrative hearing officer and administrative law judge, and means a government official who reviews records, conducts hearings, determines issues, and renders decisions on various code violations involving agencies or the public as authorized by applicable laws and regulations, including the Administrative Procedure Act.

Interested person means any person with an interest in the administrative adjudication or nuisance violation process.

Licensee means any person in receipt of or seeking a city license or permit of any kind.

Nuisance means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

Movable property means property that is not defined as immovable.

Occupant means any person occupying immovable property by permission or accommodation of the owner, former owner, lessor, lessee, tenant, or another occupant.

Officer means the administrative hearing officer.

Owner means any person who possesses an interest in immovable or moveable property located in the city; such interest may or may not be recorded on the public records.

Permittee means any person seeking and/or in receipt of a permit.

Person means any individual, and any legal entity, with the power to sue or be sued, and any person or entity with the power to own, alienate and/or encumber immovable property.

Property means movable and immovable property.

Registration and license may be used interchangeably.

Respondent or alleged violator means any person given a notice of violation under this article.

Tenant means any person who rents, uses, or otherwise occupies a building, structure or property owned or leased by another.

Vacant or not lawfully occupied property includes, but is not limited to any property:

1. Not actually occupied by its owner, lessee, or other invitee; or
2. Without utilities and inadequately secured from unauthorized entry to the extent that the property could be entered and utilized by uninvited persons; or
3. Inadequately secured property that has become infested or impacted by issues associated with stray animals, rodents, insects, and other vermin; or
4. Having inadequate streets, access for emergency vehicles, utility and city service vehicles; or
5. That endangers the public safety, health or welfare and has been condemned for reason of dilapidation, deterioration, and/or state of disrepair.

Violation means any action taken not in conformance with this Code.

Violator means a person found liable for a violation or ordered to correct a violation.

Sec. 2-277 - Authorization and establishment.

- (a) ***City authority to abate.*** By authority of the ordinances set forth herein, adopted pursuant to the powers and jurisdiction vested through the City of Slidell Home Rule Charter, the Louisiana Constitution and other applicable state statutes, laws, and ordinances; the City of Slidell does hereby exercise the power and authority to abate all nuisances determined to be noncompliant with the minimum property standards established by this Code.
- (b) ***Hearing process and officer position.*** Pursuant to the applicable provisions of LA R.S.13:2571; 13:2575; and all other applicable statutes, ordinances, rules and regulations, a procedure for administrative adjudication of nuisances determined to be noncompliant with the minimum property standards established by this Code, and position of administrative hearing officer(s) are hereby established.
- (c) ***Extent of decision-making authority.*** Hearing officers who have been duly appointed and sworn in, in accordance with the provisions of this article, have the authority to hear and decide any alleged public health violation, housing violation, which shall also encompass the terms and applicable provisions of LA13:2575, building codes, zoning, vegetation, and nuisance ordinances, fire code violations, violation of environmental regulations, historic district ordinance violations, any matters involving alleged licensing and permit violations, and any other ordinance violations that may be determined by the city council pursuant to the procedures for administrative adjudication established in this article.

Sec. 2-278 - Civil nature of nuisance violations.

- (a) Nuisance violations, such as weeds, noxious accumulations, and junk; inoperable junked vehicles stored on private property; graffiti; dangerous and unsafe structures; unsafe or abandoned signs; trashcans in residential neighborhoods are processed as a civil violation subject to code enforcement by administrative adjudication proceedings of this article.
- (b) The provisions of this article do not impact the criminal enforcement provisions for littering, parking, stopping and standing, and other such violations as provided for under state statutes, or in the ability of a law enforcement officer who, in the course of his official duties, witnesses an act of violation of the aforementioned statutes and issues a citation therefor.

Sec. 2-279 – Article’s relationship to the Code of Ordinances and other court proceedings.

- (a) ***Incorporation of all rules and standards.*** All rules, regulations, fines, and penalties of this Code, including but not limited to any amendments thereto and supplements, are hereinafter adopted and included.
- (b) ***Conflicts.*** Where there exists any conflict with any provision of this article and another section of the Code, the more restrictive provision applies. When unclear, the administrative hearing officer will interpret the intent of the Code upon receipt of a recommendation by the Department of Building and Safety.
- (c) ***Non-exclusivity of procedures.*** The procedures and remedies established by this article are not exclusive and may be employed in the civil enforcement of an ordinance before, during or after the employment of any other civil enforcement mechanism provided by law, or before, during or after the commencement or conclusion of enforcement action in a civil or criminal court, unless the civil courts have definitely exonerated the alleged violator of the violation charged. For purposes of this Code, a court of competent jurisdiction includes administrative hearings.

Sec. 2-280 - Administrative hearing officer(s).

- (a) City Justices of the Peace have the authority to hear and decide all violations identified herein, pursuant to their concurrent jurisdiction with the district courts.
- (b) Hearing officer(s) are appointed by City Council and serve at the pleasure of the City Council.

- (c) All hearing officers must be sworn before the city attorney to uphold the Constitution of the United States, the laws and Constitution of the State of Louisiana, and the Charter and ordinances of the city, and to abide by the provisions of the Louisiana Code of Governmental Ethics before assuming office.
 - (1) A hearing officer must be an attorney licensed to practice law in the State of Louisiana for at least two years.
 - (2) A hearing officer must also be an attorney in good standing with any and all courts in the State of Louisiana.

Sec. 2-280.1 – General powers of the hearing officer.

The hearing officer has all power and authority set forth in the applicable provisions of LA R.S. 13:2575; the provisions of LA R.S. 14:107.3; all other applicable state laws and regulations; and the following nonexclusive powers to:

- (a) Administer oaths and affirmations;
- (b) Order repair, restoration, remediation and/or correction of any violation; and
- (c) Issue orders, including the declaration and certification set forth in LA R.S. 14:107.3, and/or administrative subpoenas compelling the attendance of witnesses, respondents and violators and the production of documents; and
- (d) Take such actions and assume such inherent powers as are necessary to protect the safety, health and welfare of the citizens and property in the city.

Sec. 2-280.2 – Hearing officer authorities regarding corrective action, fines, and penalties.

The hearing officer shall have the authority to:

- (a) Suspend, revoke and/or rescind any permit issued or application under review by the city for any reason; and
- (b) Make the respondent comply with all ordinances so affected prior to permit issuance;
- (c) Assess and levy a separate fine and/or penalty to any respondent for each offense committed in violation of city ordinances, which may be assessed separately from costs assessed by any court of competent jurisdiction the total of which shall not exceed \$500.00 per violation or \$500.00 per day for up to seven days for continuing violations;
- (d) Authorize the Department of Buildings and Permits to direct crews or a city contractor to enter a property where a violation is occurring and remedy the violation should corrective action not be taken within the required period of time;
- (e) Levy fines, fees, penalties, and hearing costs including, but not limited to, the removal and/or securing of dangerous structures as authorized and provided for in LA R.S. 33:4754;
- (f) Order violators to correct violations within a stipulated time;
- (g) Take necessary and lawful measures to affect correction of a violation if the violator fails to do so within the time allocated by the hearing officer;
- (h) To place, or cause to be placed, liens against immovable property located within the city in or on which the violation occurred, if the violator fails to remit payment for any cost and/or fines, within the required time period;
- (i) To order the detainment and refer subject animal(s) to the office of animal services for proper disposition, as per law, where there exists a finding that a respondent has violated an ordinance as to any animal; and
- (j) To issue seizure orders as are necessary to seize and take control of subject movable property for safekeeping, retention purposes or disposal, all as permitted in law, where there exists a violation of any ordinance and the matter involves a movable susceptible of seizure.

Sec. 2-281 - Administrative fees.

- (a) *Minimum processing fee.* When there is finding of a violation, all alleged violators whose case is brought to an administrative hearing will be assessed an administrative cost not less than \$250.00. The hearing

officer has the authority to waive payment of this fee if an alleged violator demonstrates an inability to pay.

- (b) **Additional reasonable related fees.** Additional costs established and made publicly available may include tabulation of reasonable out-of-pocket costs expended by the city, including but not limited to:
- (1) Signage, postage, certified mailing, and advertisement costs;
 - (2) Printing, video, or other costs to document case materials and evidence;
 - (3) City employee time expended to prosecute a matter; and
 - (4) Subpoena service charges, expert fees, consultant fees, professional service expenses, attorney fees, and such other reasonably related expenses necessary to prosecute a matter.
- (c) **Disposition of fees.** All fees collected as part of a code violation processed as part of an administrative hearing case must be credited to the Department of Building and Safety and dedicated to supporting ongoing code enforcement activities.

Sec. 2-282 — Sec. 2-285 – Reserved.

Division 2. Hearing Procedures.

Sec. 2-286 - Adjudication hearing case referral and file minimum requirements.

- (a) **Generally.** After the initial code violation notice requirements of this Code are met, respondents may request an administrative hearing within five (5) days of receiving notice to dispute the violation determination or provide testimony in their defense.
- (b) **Case file development and minimum requirements.** Upon receipt of the request for an administrative hearing, the department responsible for enforcing the relevant section of the code in violation must compile and send to the hearing officer for review a report and case file including all the following minimum information:
- (1) The style and docket number of the case and the date the department received the request for a hearing in the form of "In the matter of" or in the form of "The City of Slidell versus" followed by the name of the alleged violator;
 - (2) The ordinance or ordinances allegedly violated;
 - (3) Evidence substantiating a determination of noncompliance with the Code;
 - (4) The date or dates of the alleged violations;
 - (5) The address(es) or other description of the property on which the alleged violation(s) occurred;
 - (6) Proof supporting the identification of the proprietary person charged with alleged violation;
 - (7) Record of completed, required notice procedures;
 - (8) A statement as to whether any civil or criminal court proceedings pertaining to the alleged violations are or were pending, the dates or any hearings, trials, or continuances, and the dates of their commencement and/or termination and, if the case is terminated, of its final disposition;
 - (9) A statement as to the dates of any hearing and of any final order in the case and as to whether and when any lien was filed; and
 - (10) A statement as to the date of filing and disposition of any appeal.
- (c) **Hearing officer review.** Once the hearing officer has reviewed and determined the case file's completeness, he or she will refer the case for inclusion on their next available hearing agenda and advise the city department of the hearing time and date the case is scheduled to be heard.
- (d) **Records management.** The hearing officer shall maintain records pertaining to each proceeding as a separate file in a manner similar to the fashion in which the clerks or court maintain the records of civil cases.

Sec. 2-287 – Hearing notice requirements.

- (a) **Posted public meeting notice, 24 hours.** Administrative hearings are open to the public and require posted notice at least twenty-four (24) hours in advance at the location of the hearing.

- (b) ***Minimum alleged violator notice, 15 days.*** The administrative hearing officer must notify the alleged violator through certified mail, or be personally served (including on site notification), at least fifteen (15) days before the hearing and state the time, date, location of the hearing, and the alleged violation(s).
Where:
- (1) The notice of hearing, as much as possible, is in laymen's language susceptible of understanding by a person of normal capacity and informs the person noticed of the need to appear at the hearing and the risk of penalties and liens which may be imposed.
 - (2) The alleged violator means the property owner as shown in the latest assessment roles of St Tammany Parish Government.
 - (3) The date of the postmark serves as the date of delivery.
 - (4) Any notification so sent and returned by the United States Post Office constitutes a fulfilled notification requirement.
- (c) ***Mailed alleged violator notice for blight or abandonment of property, 30 days.*** For cases involving blight or abandonment of property, all conditions and requirements associated with subsection (b) of this section apply, except the minimum notification period is thirty (30) days and notice must be provided to both the property owner and each mortgagee of record in the city mortgage records.

Sec. 2-288 – Attendance and hearing proceedings.

Each administrative hearing provides alleged violations due process and supports the resolution of open code violations in the city with participation of the following persons in accordance with the following conditions and minimum standards:

- (a) ***Hearing officer.*** Every hearing must be held before a duly authorized administrative hearing officer who presides over hearing proceedings and where testimony by any person is taken under oath and recorded in accordance with the rules of evidence of the Administrative Procedure Act.
- (b) ***Code Enforcement Division representative.*** A representative of the Code Enforcement Division of the Department of Building and Safety must be in attendance for every hearing to address the hearing officer's questions regarding testimony provided by person(s) charged with alleged violation(s). However, the city staff person who issued the notice of violation is not required to appear at the hearing, unless the administrative hearing officer determines that the city staff person's presence is required, in which case the hearing officer may grant one postponement if the city staff person is unavailable at the time of the hearing.
- (c) ***City prosecutor.*** The city prosecutor or their designee representing the city, may be in attendance for every hearing, and has the burden of proving with evidence that (1) as described in the nuisance citation, a violation of this Code has and continues to occur and (2) the person called forth to address the alleged violation was, at the time of the violation, the party responsible for the existence of the nuisance, which may be established with the following proof or an ordinary business record of the city:
 - (1) Proof of ownership that the person was, at the time of the violation, the proprietary party of the property on which the nuisance was occurring in the form of a written statement from the assessor's office.
 - (2) In the case of the violation occurring on property on which the responsible party is an occupant of the property and not the proprietary party of same, said proof shall be in the form of either the signature of the occupant on the citation, or a written statement from the proprietary party of the property attesting to the fact that, as owner, the responsibility for occurrence of the violation was the occupant of the property.
- (d) ***Proprietary person charged with alleged violation or alleged violator.***
 - (1) The person(s) charged with a violation of this Code may present any relevant evidence and testimony at the hearing and be represented by an attorney at law.
 - (2) The physical presence of the person(s) charged with a violation of this Code is not required at the hearing if documentary evidence, duly verified by such person, is submitted to the administrative hearing officer prior to the date of the hearing.

- (3) Failure to appear at a hearing in person without advanced delivery and communication of documentary evidence or by submission may constitute an admission of liability of the violation and subject the person charged with the violation to the applicable fines and abatement costs assessed by the administrative hearing officer in remedying the violation.
- (e) *Witnesses.* Witnesses subpoenaed to testify before an agency only to an opinion founded on special study or experience in any branch of science, or to make scientific or professional examinations, and to state the results thereof, shall receive such additional compensation from the party who wishes to subpoena such witness as may be fixed by the agency with reference to the value of the time employed and the degree of learning or skill required according to the rules of the Administrative Procedures Act Title 49. Any order compelling the attendance of witnesses, or the production of documents is mandatory and may be enforced in St. Tammany Parish District Court.

Sec. 2-289 – Hearing officer decision-making and determination of penalties.

- (a) *Decision.*
 - (1) *Timeframe and contents.* Within five business days of the close of the hearing, the hearing officer must issue a final order stating whether the charged person is liable for the violation or declaring the violation unproven or invalid; the amount of any fine, penalty or costs assessed against them; a date by which the violation must be corrected; and the amount of the administrative cost due.
 - (2) *Notice of final order.* The final order or decision of the hearing officer must be served in the same fashion as the original notice of violation or, if the violator has counsel of record, by mailing or delivering the order to counsel. The final order must notify the violator of their right of appeal and, so much as possible, conform to the stylistic and typographical requirements established for the notice of violation.
 - (3) *Suspension.* The hearing officer, for good cause, may suspend all or a portion of his or her final order and may make any suspension contingent on the fulfillment of some reasonable condition.
- (b) *Reasonable determination of penalties.*
 - (1) In determining the amount of any fine or penalty, the hearing officer must consider the degree of hardship which the fine or penalty will impose.
 - (2) Fines and/or penalties for each offense may be assessed separately but cannot exceed \$500.00 per violation or \$500.00 per day for up to seven (7) days for continuing violations, unless separately provided for in this Code in which case the higher fine or penalty shall apply.
 - (3) Unless otherwise precluded by local, state, or federal law, there is no limit on the combined value of separately processed violations and the associated assessed fees, fines or penalties.
- (c) *Multiple/repeat offenses.*
 - (1) Within one year of a final determination by the hearing officer that a respondent has violated an ordinance that the respondent is cited for the same or similar violation of the city ordinance, the officer is authorized to then assess and levy up to and including twice or double the fine and/or penalty.
 - (2) After the first year, and in the event of repeated violations thereafter, the hearing officer may assess and levy triple or three times the fine and/or penalty.
 - (3) In the event that a respondent violates any ordinance more than three times within a three-year period, then the officer, in their discretion, may assess and levy such fines or penalties as may be warranted under the circumstances and allowed as per law.

Sec. 2-290 – Disposition of case via payment of the civil penalty and verification of correction.

For uncontested violations and citations, payment of associated costs and verification of the violation's correction will result in final disposition or closing of the case.

- (a) *Payment of penalty and fees.* Payment of fees and penalties stipulated in a final notice, including invoiced charges, may be made either in person or by mailing to the agent designated by the city in the final notice, provided the payment is made to the order of the city.

- (b) ***Violation and correction and verification.*** Uncontested and remedied violations are subject to a final inspection by the Department of Building and Safety, who—upon request and verification of compliance—will issue the respondent a written notice of compliance.
- (c) ***Payment without remedy.*** Failure to remedy a nuisance violation in conjunction with the payment of penalties and fees will result in the payment being forfeited and the matter being abated by the city in accordance with the provisions of this Code.
- (d) ***Violation remedied without payment.*** Abatement of the nuisance without payment of the penalties and fees will result in corrective actions described in Sec. 2-298 of this article.

Sec. 2-291. - Appeals.

Any person determined by the hearing officer to be in violation of ordinances listed in subsection 2-227(c) of this article, may appeal this determination by filing a petition with the City Court of Slidell within at least thirty (30) calendar days of the hearing officer's order. Determinations made by the City Court of Slidell can be further appealed to the appropriate district court by filing, within at least thirty (30) calendar days of the hearing officer's order, a petition with the St Tammany Parish Clerk of Court along with payment of such reasonable costs as may be required by the clerk.

Sec. 2-292 — Sec. 2-296 – Reserved.

Division 3. Enforcement.

Sec. 2-297 - Generally.

- (a) Any order assessing a fine, or costs and/or stipulating a correction date where administrative hearing proceedings have been exhausted without remedy or payment of fees and penalties may be referred to and enforced by the courts of the City of Slidell.
- (b) ***Power and duties of Director of the Department of Buildings and Safety.*** The Director of the Department of Buildings and Safety or their representative is responsible for determining code compliance, providing for required notice procedures, documenting costs associated with code violation procedures, and facilitating abatement in coordination with corresponding city departments when due process requirements have been fulfilled in accordance with this Code.
- (c) ***Power and duties of the city prosecutor.*** The city prosecutor is responsible for determining when cases require referral to the courts of the City of Slidell, when emergency procedures are needed to address immediate threats to life and safety, for determining, documenting, and facilitating notification to alleged violators in emergency situations, and for the processing and recording of liens.
- (d) ***Powers and duties of code enforcement officers.*** Code enforcement officers have the power and duty to:
 - (1) Initiate, receive, and investigate reports of violations associated with minimum standards established by this Code;
 - (2) Conduct investigations and surveys to determine compliance or noncompliance with minimum property standards established by this Code;
 - (3) Issue notices to support alleged violation correction as required or permitted by this Code or other governing law; and
 - (4) Initiate enforcement actions when investigative efforts demonstrate noncompliance with minimum property standards established by this Code and required notices, warnings, and citations fail to result in code compliance.
 - (5) Enter upon subject property, at all reasonable times, to perform their duties whenever it is necessary to inspect or administer any of the provisions of this Code. If such property is occupied, they shall first present proper credentials and request entry. If entry is refused, then they shall have every recourse to every remedy provided by law to secure entry onto the property or entrance to the structure.

Sec. 2-298 - Corrective actions.

When a violation continues unabated and if either: (1) the corrective action ordered by the hearing officer is not completed by the respondent within the period specified, and the applicable case has not been continued to the next administrative hearing, or (2) an administrative hearing is not requested within five (5) days of the initial notice violation, the following actions are hereby authorized to protect the city's health, safety, and welfare:

- (a) *Direct, onsite abatement.* The Department of Buildings and Permits may authorize city crews or a city contractor to enter the property where the violation is occurring and remedy the violation after the allotted compliance period.
- (b) *Assessment of and responsibility for abatement costs.* When the city or its contractor remedies a violation, all additional fines, administrative costs, city labor and equipment costs, the amount charged by the contractor, and all other expenses incurred in providing additional notice and abating the violation must be paid by the respondent within thirty (30) days upon invoicing by the city. The thirty (30) days commence upon the date of the mailed invoice postmark.
- (c) *Failure to pay abatement costs; property lien authorized.* If the respondent has not paid the abatement charges incurred within thirty (30) days, the city prosecutor is authorized to file a certified copy of the final notice and invoiced charges with the recorder of mortgages. Such recording will operate as a lien and privilege in favor of the city against the property and be added by the City of Slidell's tax collector to the annual ad valorem tax bill of the property involved. Legal proceedings to enforce the lien and collect the charges may be filed in a court of competent jurisdiction.
- (d) *Payment of penalties.* All costs associated with payment of a code violation penalty must be submitted to Department of Building and Safety and dedicated to supporting ongoing code enforcement activities.
- (e) *Payment of liens.* All costs associated with payment of a lien collected as part of a code violation must be submitted to the St. Tammany Sheriff's Office and—upon remittance to the City—be dedicated to supporting ongoing code enforcement activities.

Sec. 2-299 - Liens.

- (a) The city shall have a lien and privilege against the immovable property in, on, or upon which violation(s) occurred. The lien and privilege secures all fines, fees, costs, and penalties that are assessed by the city 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 city shall constitute a lien and privilege against the land upon which violation(s) exists.
- (b) Any lien and privilege recorded against an immoveable property under this article will be included in the next annual ad valorem tax bill.
- (c) The city, upon recordation of the order, judgment, notice of judgment, or lien, may:
 - (1) Apply to the St Tammany Parish Clerk of Court for issuance of a writ in accordance with Code of Civil Procedure Article 2253, under the authority of R.S. 13:2575, 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 of judgment, or lien.
- (d) In order for the lien and privilege to arise, the order, judgment, notice of judgment or lien must be final and not subject to appeal when recorded in the mortgage office.
- (e) Any monies collected pursuant to this Code must first satisfy all outstanding municipal liens recorded against an immovable property and only when all outstanding municipal liens are satisfied in full shall monies be applied towards an immovable property's ad valorem taxes.
- (e) **Enforcement of liens; additional requirements.**
 - (1) Upon the city instituting legal proceedings to obtain a writ to cause the seizure and sale of a property with outstanding liens, the property must be unoccupied.
 - (2) 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.

Recommendation No. 3

To enable efficient processing of violations via the newly established Chapter 2, Article VI - Code Enforcement by Administrative Adjudication, consolidate and streamline nuisance violations on private property in (1) Chapter 13 – Environment, Article II. - Storage of Junk and Article III – Litter, and (2) Chapter 16 – Health and Sanitation – Article II. – Weeds and noxious growths and deposits, and renumber remaining sections, to read as follows:

Chapter 13 Environment.
Article II. Storage of Junk.

Sec. 13-21. Findings of fact.

- (a) The storing and keeping of motor vehicles or any parts thereof, machinery, furniture, household goods, junk lumber or other junk building materials and household appliances that are inoperable, scrapped, discarded or junked, on residential, commercial or public lots or tracts of land within the city, tends to cause such lots or tracts of land to become overgrown with weeds, littered with rubbish and debris, and infested with rats, mosquitos, mice, insects, reptiles and other vermin.
- (b) Such conditions tend to attract children and endanger their lives and health; spread disease; create fire hazards and other safety and health hazards; create, extend and aggravate urban blight; interfere with the enjoyment of and reduce the value of private property; and interfere with the comfort and well-being of the public.
- (c) Adequate protection of the public health, safety and welfare requires that the storage of such materials be regulated and controlled.

(Code 1966, § 11-40)

Sec. 13-22. 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:

~~Abandoned or inoperable vehicle means any junked, wrecked, or dismantled vehicle, or any parts of such vehicle, which is incapable of being lawfully driven upon the highways and streets. Vehicles which are otherwise in compliance with R.S. 32:1301— 32:1313 are not considered to be abandoned, inoperable vehicles for purposes of this chapter. Furthermore, lack of current and/or valid registration, inspection or license plate alone does not constitute abandoned, inoperable condition, except as it pertains to vehicles covered under section 13-23.~~

~~Antique vehicle means any motor vehicle 25 years or older, which is operable and substantially in its original condition.~~

Enforcing agent means the director of permits as well as his duly authorized agents. If a vehicle is on a public street or right-of-way, then the enforcing agent shall be the police chief as well as his duly authorized agents.

Junkyard and salvage yard means any premises, establishment or place of business which is maintained, operated or used for storing, keeping, buying, selling or dismantling motor vehicles or any parts of such vehicles, machinery, furniture, household goods and household appliances that are inoperable, scrapped, discarded, or junked, or any combination of the above-described items.

Owner means any person legally vested with the title and ownership of any immovable property situated within the city.

Owner of the premises means the owner of the land on which the vehicle is located, as shown on the last property tax roll.

Owner of the vehicle means the last registered owner.

Vehicle means a device, by which any person or property may be propelled, moved or drawn upon a roadway, except a device moved by human power or used exclusively upon stationary rails or tracks.

(Code 1966, § 11-41; Ord. No. 2842, 10-13-1998)

Cross reference(s)—Definitions generally, § 1-2.; [Health and sanitation definitions, § 16-72](#)

Sec. 13-23. Public ways.

It shall be unlawful for any person to abandon, store, leave, place or park any motor vehicles or any parts of such vehicles, machinery, furniture, household goods and household appliances that are inoperable, scrapped, discarded or junked, upon any public street, park, highway, alley or other public property of the city.

(Code 1966, § 11-42)

~~**Sec. 13-24. Residential ways.**~~

~~It shall be unlawful for any person to store or keep upon any lot or tract of land used for residential purpose motor vehicles or any parts of such vehicles, machinery, furniture, household goods, junk lumber or other junk building materials and household appliances that are inoperable, scrapped, discarded or junked, except when such items are contained in a completely enclosed area and are not visible from a public street or an adjacent lot or tract of land, and except when the enclosure has met the requirements of the city, parish and state relative to health, fire and safety.~~

~~(Code 1966, § 11-43)~~

~~**Sec. 13-25. Exceptions.**~~

~~The stipulations of section 13-24 shall not apply to the following:~~

- ~~(1) A vehicle which is completely enclosed within a building in a manner that is not otherwise visible from the street or other public or private property;~~
- ~~(2) Any motor vehicle in an appropriate storage place or depository maintained at a location where such business is authorized under the comprehensive zoning ordinance and other regulatory ordinances of the city;~~
- ~~(3) Any motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned drag strips or raceways;~~
- ~~(4) Any antique vehicle, as defined by section 13-22, retained by the owner for collection purposes rather than for salvage or for transportation.~~

~~(Code 1966, § 11-43.1)~~

~~**Sec. 13-26. Commercial ways.**~~

~~It shall be unlawful for any person to store or keep upon any premises used for commercial or business purposes or nonresidential purposes, any motor vehicles or any parts of such vehicles, machinery, furniture, household goods, junk lumber or other junk building materials and household appliances that are inoperable, scrapped, discarded or junked, provided that this section shall not apply to:~~

- ~~(1) Such materials stored or kept on the premises of a junkyard or salvage yard.~~
- ~~(2) Damaged but salvageable motor vehicles, machinery, furniture, household goods or household appliances awaiting repair or in the process of repair and on the premises of a bona fide repair shop, but only so long as the storage of the above described items has met the requirements of the city, parish and state relative to health, fire and safety.~~

~~(Code 1966, § 11-44)~~

~~Sec. 13-27. Junkyards and salvage yards.~~

~~Every junkyard and salvage yard shall be enclosed, except for entrances and exits, with a solid, or otherwise nontransparent, vertical wall or fence of a minimum height of eight feet, measured from ground level. Entrances and exits shall not be wider or more numerous than reasonably necessary for the conduct of business. However, this requirement shall be waived and modified as to any side or portion of the premises which is adequately screened by natural objects, plants, fences or other appropriate means so as to prevent any materials stored or kept thereon from being visible from adjacent public ways and from adjacent lots or tracts of land.~~

~~(Code 1966, § 11-45)~~

~~Secs. 13-248—13-3051. Reserved.~~

Editor's note(s)—Ord. No. 2955, adopted July 25, 2000, repealed §§ 13-28—13-30, which pertained to declaration of public nuisance, judicial determination, and penalties, respectively. See the Code Comparative Table.

~~Sec. 13-31. Existing businesses.~~

~~The requirements of this article shall not affect any legitimate businesses which are operating junkyards and salvage yards on November 26, 1974.~~

~~(Code 1966, § 11-49)~~

~~Secs. 13-32—13-51. Reserved.~~

Article III. Litter

Sec. 13-52. Definition.

As used in this article, *litter* means garbage, cigarette or cigar butts, refuse, waste materials, or any other discarded, used or unconsumed substance which is not handled as specified in this article. "Litter" shall also include signs not in conformance with the city's sign ordinance.

(Ord. No. 3247, § 1, 1-11-2005)

Sec. 13-53. Enforcement.

- (a) Regulations promulgated in this article shall be enforced by the department of building safety and the police department.
- (b) The department of building safety and the police department are hereby empowered, as agents of the city, to issue citations to appear in court to any person believed to be responsible for damaging the city by depositing litter within the city.

(Ord. No. 3247, § 1, 1-11-2005)

Sec. 13-54. Penalty for violations of article.

- (a) (1) Whoever violates the provisions of this article shall, upon first conviction be fined not less than \$100.00 nor more than \$250.00 and sentenced to serve four hours of community service in a litter abatement work program as approved by the court.
 - (2) Upon second conviction, an offender shall be fined not less than \$250.00 nor more than \$350.00 and sentenced to served eight hours of community service in a litter work abatement program as approved by the court.
 - (3) Upon third or subsequent conviction, an offender shall be fined not less than \$350.00 nor more than \$500.00, be imprisoned for not more than six months, or sentenced to serve not less than 24 hours of

community service in a litter abatement work program as approved by the court, or all or any combination of the aforementioned penalties.

- (4) The judge may require an individual convicted of a violation of this article to remove litter from public streets, public rights-of-way, public parks, public playgrounds or other appropriate locations for any prescribed period of time in lieu of the penalties prescribed in this article.
- (b) A person may be found guilty and sentenced under this section although commission of the offense did not occur in the presence of an enforcement officer if the evidence presented to the court establishes that the defendant has committed the offense.
- (c) For purposes of this article, each occurrence shall constitute a separate offense.
- (d) In addition to the penalties otherwise provided in this article, a person convicted under this article shall repair or restore property damaged by or pay damages for any damage arising out of violation of this article.

(Ord. No. 3247, § 1, 1-11-2005)

~~Sec. 13-55. Abatement by the city.~~

~~The director of building safety, or his designee, where premises are in violation of any section of this article, is hereby empowered to enter upon the premises and thereupon correct or cause to be corrected the unclean conditions, charge the property owner for the correction thereof, and/or place a lien on such land in the same amount and in accordance with the notice procedure provided for under section 16-23 of this Code.~~

~~(Ord. No. 3247, § 1, 1-11-2005)~~

Sec. 13-556. Recovery by city of expenses of litter removal.

The city is damaged by the depositing of litter within the city, and the cost of litter removal has become a significant expense of the city. It is intended that persons responsible for such expenses shall bear the cost of such removal. In order to recover the cost of litter removal, the city may bring a civil action against any person believed to be responsible for depositing litter, and/or file liens against the property in accordance with law.

(Ord. No. 3247, § 1, 1-11-2005)

Sec. 13-567. Discharge of liquid refuse into streets.

No person shall willfully discharge or cause to be discharged any wastewater or liquid refuse in or upon any public street or alley, and no wastewater or other liquid waste shall be placed or discharged upon any premises within the city used for business or industrial purposes so as to permit it to blow or drain upon or into any street or alley.

(Ord. No. 3247, § 1, 1-11-2005)

Sec. 13-578. Improper handling of solid waste; penalties.

It shall be unlawful for any person to permit the accumulation, scattering, spilling or other handling or solid waste, trapped litter or other waste matter on his property or on the area between his property line and the riding surface of the abutting thoroughfares, except in the manner provided by this article.

(Ord. No. 3247, § 1, 1-11-2005)

Sec. 13-589. Depositing litter prohibited.

It shall be unlawful for any person, whether in person or by his agent, employee or servant, to cast, blow or cause to be blown with a leaf blower or any other apparatus, throw, sweep, sift or deposit in any manner in or upon any public way or other public place in the city or in any river, canal, public water, drain, sewer or receiving basin within the jurisdiction of the city, any kind of litter, dirt, rubbish, waste article, thing or substance

whatsoever, whether liquid or solid. Nor shall any person cast, throw, sweep, sift or deposit any of the aforementioned items anywhere within the jurisdiction of the city in such a manner that they may be carried or deposited, in whole or in part, by the action of the sun, wind, rain or snow, into any of the aforementioned places.

(Ord. No. 3247, § 1, 1-11-2005)

Sec. 13-5960. Duty to place in containers.

- (a) No person shall throw or deposit litter in or upon any street, sidewalk or other public place except in public containers or in authorized containers for collection.
- (b) Persons placing litter in public containers or in authorized private containers shall do so in a manner so as to prevent it from being carried or deposited by the elements (wind, rain, etc.) upon any drain, ditch, street, sidewalk or other public place or upon private property.

(Ord. No. 3247, § 1, 1-11-2005)

Sec. 13-601. Sweeping litter into gutters; cleanliness of sidewalks.

No person shall sweep into or deposit in any gutter, drain, street or other public place the accumulation of litter, grass clippings or leaves from any building or lot or from any private or public sidewalk or driveway. ~~Person owning or occupying property shall keep their premises free of litter, including sidewalks, service alleys, parking areas and gutters.~~

(Ord. No. 3247, § 1, 1-11-2005)

Sec. 13-612. Merchants' duty to keep sidewalks free of litter.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, drain, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. ~~Persons owning or occupying places or business shall keep all premises, including sidewalks, service alleys and parking areas of their business free of litter.~~

(Ord. No. 3247, § 1, 1-11-2005)

Sec. 13-623. Litter in parks, fountains and waterways.

- (a) No person shall throw or deposit litter in any park except in public receptacles and in such manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided in this article.
- (b) No person shall throw or deposit litter in any fountain, pond, lake, stream, ditch, canal or any other body of water in a park or elsewhere.

(Ord. No. 3247, § 1, 1-11-2005)

~~**Sec. 13-64. Litter on private property.**~~

~~No person shall throw or deposit litter on any occupied or unoccupied private property, whether owned by that person or not, except that the owner or person in control of private property may maintain authorized private receptacles for litter disposal in a manner that the litter will be prevented from being carried or deposited by the elements upon any drain, ditch, street, sidewalk or other public place or upon any private property.~~

~~(Ord. No. 3247, § 1, 1-11-2005)~~

~~Sec. 13-65. Litter of vacant lots.~~

~~No person shall throw or deposit litter on any open or vacant private property, whether owned by that person or not.~~

~~(Ord. No. 3247, § 1, 1-11-2005)~~

~~Sec. 13-66. Owner to maintain premises free of litter.~~

~~The owner or person in control of any private property shall at all times maintain the premises free of litter on any open or vacant private property, whether owned by that person or not.~~

~~(Ord. No. 3247, § 1, 1-11-2005)~~

Sec. 13-637. Spillage and dumping of concrete and asphalt cement or gravel.

It shall be unlawful for any person to allow concrete cement, asphalt cement or gravel to be spilled on city streets during transport, or to be dumped onto city streets or rights-of-way, or to be dumped or washed into drains, catch basins, ditches or canals, or for equipment to be washed so that any residue of sand, gravel, cement or asphalt is deposited onto city streets or rights-of-way or into the city drainage system, ditches or canals or for the cement residue from any cement plant operation to be allowed to wash onto street or into the city drainage system, ditches or canals.

(Ord. No. 3247, § 1, 1-11-2005)

Sec. 13-648. Certain vehicles to be covered; littering prohibited.

- (a) *Driver liability citations authorized.* It shall be unlawful for any person, whether in person or by his agent, employee, to use any vehicle to haul any kind of dirt, rubbish, waste articles or things of substance, whether liquid or solid, unless such vehicle is covered or the materials being hauled are confined in such a manner as to prevent all or any part of its load from leaking, spilling or dropping, at all times while such vehicle is in motion, on any street or alley in the city. All vehicles and/or equipment used for the purpose of hauling materials shall be tarped, netted, tied, covered or confined in such a manner so as to prevent the contents thereof from spilling, blowing or otherwise being deposited on any street or alley in the city. Provided, however, that the requirements in this section for covering such vehicles shall not apply to vehicles carting brush cuttings, tree trimmings, branches, logs and similar material, if such matter is securely lashed or fastened to such vehicle to prevent spilling or dropping as aforesaid. Improperly covered vehicles traveling upon any road, street or other public thoroughfare within the corporate limits of the city may be cited for such violation by the police department.
- (b) *Litter thrown from vehicles.* No person, whether the driver or a passenger in a vehicle, shall throw or deposit litter upon any street or other public place, or upon private property. The driver of the vehicle shall be liable for litter thrown from the vehicle, and shall be cited for such litter, whether or not the litter is deposited by the driver or passengers of the vehicle.

(Ord. No. 3247, § 1, 1-11-2005)

Sec. 13-659. Additional provisions.

The provisions of this article shall be in addition to any other provisions of law.

(Ord. No. 3247, § 1, 1-11-2005)

Secs. 13-6670—13-79. Reserved.

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CH 16. – Heath and Sanitation.

* * *

Article II. ~~Weeds and noxious growths and deposits~~ Reserved.

~~Sec. 16-21. Declared nuisance.~~

~~The growth of weeds, grass and other underbrush, to a height of greater than 12 inches, as well as the placement of trash, debris, refuse, garbage and discarded or noxious matter on any lot, place, area or sidewalk, or sidewalk area in the city is hereby declared to be a public nuisance and detrimental to the general health of the city.~~

~~(Code 1966, § 11-50)~~

~~Sec. 16-22. Duty to cut and remove.~~

~~All owners of land within the city, or the duly authorized agents of such owners, shall cut and remove all the rank growth of weeds, grass and other underbrush, in excess of 12 inches, and shall remove all trash, debris and refuse, garbage and discarded or noxious matter on any lot, place, area and the sidewalks and sidewalk areas adjacent to their property.~~

~~(Code 1966, § 11-51; Ord. No. 3581, 9-14-2010)~~

~~Sec. 16-23. Authority of city to cut.~~

~~(a) Where such property owners, or their duly authorized agents, fail to so cut and remove the rank growth of weeds, grass, and other underbrush of whatever kind or character as set forth in this article, or fail to remove any trash, debris, refuse, garbage, discarded or noxious matter, the building official of the city or his duly authorized representative may order a duly authorized agent of the city to cut, clear and remove the same, at the expense of the owners, addressed in accordance with tax rolls of the city, after giving ten days' written notice thereof by registered mail to the owners, addressed in accordance with the tax rolls of the city, or their duly authorized agents or after notice has been given the owners by advertisement in the official journal of the city for two consecutive publications in said official journal.~~

~~(b) The city administration may undertake the cutting, destruction or removal of noxious weeds or grass or other deleterious, unhealthful or noxious growths or discarded or noxious matter on any property within the municipality on a monthly basis without the notice required in subsection (a) of this section if the property owner liable has been notified pursuant to such subsection at any time during the immediately preceding 12 months, and has failed to do the work himself after opportunity to do so. However, prior to undertaking such work, the city administration shall file and record an affidavit, signed by the mayor or his designee, at its administrative office. Such affidavit shall include the following:~~

~~(1) A description of the property sufficient to reasonably identify it.~~

~~(2) A photograph of the property sufficient to reasonably identify its unsafe or unsanitary condition and to justify the necessity for cutting, destroying or removing weeds, grass or other noxious growths or discarded or noxious matter.~~

~~(3) A statement that the property owner liable has, within the past 12 months, failed to do such work after notification and opportunity to do so pursuant to subsection (a) of this section.~~

~~(Code 1966, § 11-52; Ord. No. 3016, 7-10-2001; Ord. No. 3235, 12-14-2005; Ord. No. 3581, 9-14-2010)~~

~~State law reference(s) – Similar provisions, R.S. 33:5062.~~

~~Sec. 16-24. Lien for cost of cutting by city.~~

~~Where the growth is cut, debris is removed or garbage is collected by the city and where the owners fail to pay to the city the expense of such cutting and removing, and a \$50.00 service charge, within 30 days thereof, the city shall have, when duly recorded in the records of St. Tammany Parish, a lien and privilege upon the real property of the owners for the reimbursement of such expenses, along with administrative fees. Such amount shall be carried as an assessment against the property upon the tax roll of the city. 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. Such 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. The city may also recover interest on the amount secured by the lien. The interest shall not exceed the rate of legal interest provided in C.C. art. 2924, and shall be computed from the date of recordation of the lien until paid.~~

~~(Code 1966, § 11-53; Ord. No. 3016, 7-10-2001; Ord. No. 3877, 11-14-2017)~~

~~Secs. 16-215 – 16-45. Reserved.~~

Recommendation No. 4

Relocate, consolidate, and streamline nuisance violations and abatement standards in Chapters 2, 13 and 16 within Chapter 16 – Health and Sanitation, Article V. Divisions 1 through 6, and retitle Article V from “Nuisances and Property Standards” to “Nuisances on Private Property,” to read as follows:

Chapter 16.- Health and Sanitation

Article V. - Nuisances ~~and on Private Property~~ **Standards.**

Division 1. - In General

- Sec. 16-71. **Definitions.**
- Sec. 16-72. **Responsibility for property maintenance.**
- Sec. 16-73. **Purpose and prohibited nuisance activities established.**
- Sec. 16-74. **Adoption and application of the International Property Maintenance Code.**
- Sec. 16-75. **Standard notice procedures applicable to all nuisance violations.**
- Sec. 16-76. **Right to request an administrative hearing.**
- Sec. 16-77. **Responsibility for abatement costs; collection of outstanding invoices, no administrative hearing requested.**
- Sec. 16-78. **Placard removal a separate violation of this article.**
- Sec. 16-79. **Penalty for violation of article.**
- Secs. 16-80 – 16-85. - Reserved.

Division 2. - Abandoned, Inoperable, and Junked Vehicles Stored on Private Property.

- Sec. 16-86. **Purpose.**
- Sec. 16-87. **Declaration of nuisance.**
- Sec. 16-88. **Prohibition on private property.**
- Sec. 16-89. **Notice requirements, administrative hearing, abatement, and penalties.**
- Sec. 16-90. **Removal; tow truck operator to notify and work with code enforcement, re: vehicle storage, sale, or disposal.**
- Sec. 16-91. **Redemption by owner.**
- Secs. 16-92 – 16-95. - Reserved.

Division 3. - Weeds, Noxious Accumulations, Litter, and Junk.

- Sec. 16-96. Purpose.
- Sec. 16-97. Declaration of nuisance.
- Sec. 16-98. Prohibition on private property.
- Sec. 16-99. Notice requirements.
- Sec. 16-100. Removal; litter, junk, high grass, and debris.
- Secs. 16-101—16-110. - Reserved.

Division 4. – Graffiti and Unsafe Signs.

- Sec. 16-111. Purpose.
- Sec. 16-112. Declaration of nuisance.
- Sec. 16-113. Prohibition on private property.
- Sec. 16-114. Notice requirements.
- Sec. 16-115. Penalties, Graffiti.
- Secs. 16-116—16-125. - Reserved.

Division 5. - Dangerous and Unsafe Buildings and Premises.

- Sec. 16-126. Purpose.
- Sec. 16-127. Declaration of nuisance.
- Sec. 16-128. Minimum standards for securing dangerous or unsafe buildings or premises.
- Sec. 16-129. Compliant, investigation, and report.
- Sec. 16-130. Review of report and determination by mayor.
- Sec. 16-131. First notice to persons with interest in premises.
- Sec. 16-132. Second notice to persons with interest in premises.
- Secs. 16-133—16-140. - Reserved.

Division 6. - ~~Parking on Unimproved Surfaces~~ Garbage cans and vehicle storage.

- Sec. 16-141. Purpose.
- Sec. 16-142. Declaration of nuisance.
- Sec. 16-143. Prohibition on private property; no dumpster provided.
- Sec. 16-144. Inspection and notice requirements.
- Sec. 16-145. Penalties.
- Secs. 16-146—16-155. - Reserved.

Division 1. - In General.

~~**Sec. 16-71 Violation of minimum property standards established by this article declared nuisance and prohibited conduct**~~

~~(a) The City of Slidell (hereinafter "city"), acting pursuant to its power and responsibility to preserve and protect the health, safety, and welfare of the citizens of the city, and acting pursuant to the power vested in the City by the State of Louisiana and Section 1-06 of the Charter of the City of Slidell, hereby establishes in this article certain minimum standards for the use of property in the city.~~

~~(b) The City of Slidell further declares that the violation of the minimum property standards established by this article is contrary to the health, safety, and welfare of the citizens of the city, shall constitutes a public nuisance, shall be subject to abatement, and removal as provided in this article, and shall subject the violator to the penalties, and liabilities established by this article.~~

~~{Ord. No. 3547, 10-13-2009}~~

~~**Sec. 16-72. General.**~~

~~In addition to any penalty or liability which may be established by this article or other provisions of law, the violation of this article shall be punishable by the penalty set forth in section 1-12~~

~~{Ord. No. 3547, 10-13-2009}~~

~~**16-73.— Penalties and abatement procedures established by this article not exclusive; power of city to abate nuisances, impose penalties, and recover costs of abatement under other provisions of law.**~~

~~The penalties and abatement procedures established by this article shall not constitute the exclusive remedies available to the city for a violation of this article, and no specification of penalties or abatement procedures in this article shall constitute a limitation on the power of the city to abate nuisances, impose penalties, and recover costs of abatement under any other provision of law or jurisprudence now in effect or hereinafter adopted. The imposition of a penalty or institution of a demand or proceeding authorized by this article shall not constitute an election of remedies and shall not limit the power or authority of the city to seek further penalties or to institute further demands or proceedings under any other provision of law or jurisprudence now in effect or hereinafter adopted.~~

~~(Ord. No. 3547, 10-13-2009)~~

~~**Sec. 16-74.— Adoption of International Property Maintenance Code.**~~

~~The city hereby adopts the 2006 International Property Maintenance Code published by the International Code Council, Inc. including any amendments published.~~

~~**Sec. 16-75.— Powers and duties of city property inspector; duties of other city employees to assist and cooperate with city property inspector.**~~

~~(a) — The city property inspectors have the following powers and duties:~~

- ~~(1) — To receive and investigate reports of violations of the minimum property standards established by this article.~~
- ~~(2) — To enforce the minimum property standards established by this article and to initiate such enforcement actions under this article as he may deem necessary.~~
- ~~(3) — To issue such notices as may be required or permitted by this article or other governing law.~~
- ~~(4) — To enter into and/or upon public and/or private property to the maximum extent permitted by law for any purpose related to the exercise of his powers or the performance of his duties.~~
- ~~(5) — To request and obtain the assistance and cooperation of St. Tammany Fire Protection District No. 1, and employees of the city, including, but not limited to, the, the public works department, and law enforcement officials for the exercise of his powers or the performance of his duties.~~
- ~~(6) — To act through duly authorized agents or designees.~~
- ~~(7) — To perform such additional duties and tasks as may be assigned.~~

~~(b) — The employees of the city, including, but not limited to, the employees of the public works department, and law enforcement officials shall at all times, upon request of the city property inspector or otherwise, assist and cooperate with the city property inspector in the performance of his powers and duties. At the discretion of the city, other employees of the city may be designated to carry out certain powers and duties of the city property inspector from time to time, and the validity of a notice, enforcement action, or abatement action shall not be subject to challenge because it was issued, initiated, maintained, or pursued by an employee of the city other than the city property inspector.~~

~~(Ord. No. 3547, 10-13-2009)~~

~~**Sec. 16-76.— Emergency provisions.**~~

~~The delays and procedures established by this article shall be the maximum required for compliance with the property standards specified herein. In the event that a violation of a property standard of this article poses an imminent threat to life, health, or safety, the city may immediately remedy, remove, and/or abate such a violation, including, but not limited to, immediate removal or abatement of anything or condition which is part of such a violation.~~

~~(Ord. No. 3547, 10-13-2009)~~

~~**Sec. 16-77.— Constructive notice by failure or refusal to accept or claim registered or certified mail; constructive notice to landowner.**~~

~~Whenever a notice under this article is given by registered or certified mail and the addressee of such registered or certified mail fails or refuses to accept or claim such registered or certified mail, the notice contained in such registered or certified mail shall be deemed to have been given to the addressee. Whenever a notice under this~~

~~article is required or permitted to be given to the owner of immovable property, notice shall be deemed to be given to such owner when it is mailed to the name and address of the person or persons listed as owner of such property on the then current records of the St. Tammany Parish Tax Assessor or the St. Tammany Clerk of Court.~~

~~(Ord. No. 3547, 10-13-2009)~~

~~Secs. 16-78—16-80. —Reserved.~~

Sec. 16-71. - Definitions.

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

Abandoned vehicle means, for the purposes of this article, a vehicle that has remained illegally or without the consent of the owner or person in control of subject private property for more than three (3) days. For private property, the state of abandonment must be verified by a written statement to this effect signed and dated by the property owner or person or entity in control of the property.

Antique vehicle means any motor vehicle that:

- (1) Is twenty-five (25) years or older;
- (2) Operable;
- (2) Is registered as an antique with the Louisiana Office of Motor Vehicles; and**
- (3) Displays antique license plates.**

***Building* means any building, structure, or portion thereof used for residential, business, or industrial purposes.**

***Code enforcement inspector* means the inspector of the city or such other person appointed to enforce the provisions of this article.**

***Dangerous or unsafe structure* means any building which is abandoned and improperly boarded for any appreciable period of time that becomes an attractive nuisance to children, a harborage of rodents, a prime location for illegal activities, an increased fire hazard, a blight that causes deterioration and instability in neighborhoods, invites dumping of garbage and trash, and/or pose serious threat to the public's health and safety.**

Derelict vehicle means any vehicle that does not have lawfully affixed thereto both an unexpired license plate and a current vehicle safety inspection tag.

Developed property means any tract, parcel or lot containing a structure, including any industrial or commercial tract, parcel or lot having onsite facilities relating to an industrial or commercial use.

Developing property means any site under construction or otherwise in transition to becoming a developed property, including sites that are graded/cleared with no structures or active use and sites that temporarily house structures such as tents, stands, or stages.

Junk means any:

- (1) Discarded material or article, not placed for collection and disposal in accordance with all laws and regulations and all specifications and requirements of the collector of solid waste; or

- (2) Material or article which has no further useful life in its original form and has not been converted to another useful purpose; or
- (3) Unused appliance and/or parts thereof, including but not limited to a washing machine, clothes dryer, refrigerator, and freezer; or
- (4) Machinery and/or equipment or parts thereof, which, by reason of deterioration through rusting, rotting or otherwise, have become inoperable and/or unusable for the purpose for which they were intended; or
- (5) Construction and other debris, including, but not limited to, railroad cross ties (when not incorporated into railroad track beds and not used for landscaping); excess or remnant building materials; vegetative matter; and trees, shrubs, and other debris resulting from land clearing, construction site preparation, or construction site modification; or
- (6) Wastepaper, boxes, and crates and/or parts thereof.

Graffiti means any unauthorized writing, printing, marks, signs, symbols, figures, designs, inscriptions, or other drawings that are scratched, scrawled, painted, drawn, or otherwise placed on any exterior surface of building, wall, fence, sidewalk, curb, or other permanent structure on public or private property and which have the effect of defacing the property.

Junk, maintenance of, means the placement, keeping, leaving, or storage of "junk" and does not include any of the following:

- (1) Placement, keeping, leaving or storage of junk by a lawfully permitted salvage yard or junkyard, provided that such salvage yard or junkyard is in full compliance with any and all laws and regulations applicable to its operations.
- (2) Placement, keeping, leaving, or storage of junk in an enclosed building, including a carport or garage permanently attached to a residential dwelling.

Junk vehicle means a vehicle having any of the following states or conditions:

- (1) Wrecked;
- (2) Dismantled;
- (3) Partially dismantled;
- (4) Inoperative;**
- (5) Burned or partially burned;**
- (6) Abandoned or discarded;**
- (7) A total loss; or**
- (8) Rusted.**

The term "junk vehicle" does not include:

- (1) Any motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned raceways, which is maintained or kept on private property.
- (2) Any operable motor vehicle retained by the owner on private property for antique collection purposes rather than for salvage or for transportation, provided that such vehicle is at least twenty-five (25) years old or has a current and valid Louisiana antique license plate and certificate of registration.
- (3) Parts from antique vehicles maintained on private property are being used for restoration purposes.
- (4) Any motor vehicle stored on private property as the property of a member of the armed forces of the United States who is on active-duty assignment.
- (5) Any motor vehicle stored in a garage.
- (6) Storage of a motor vehicle by a lawfully permitted tow truck operator, salvage yard, or junkyard, provided that such storage is in full compliance with all laws and regulations applicable to such storage.

Inoperative vehicle means a vehicle that cannot start on its own and move forward and backward at least ten (10) feet.

Litter means garbage, cigarette or cigar butts, refuse, waste materials, or any other discarded, used or unconsumed substance which is not handled in accordance with this this article. Litter includes snipe signs not in conformance with the city's sign ordinance.

Placard means a sign for public display, either fixed to a wall or post.

Premises means land and the buildings upon it.

Regular grass maintenance means the process of entering upon any developed or developing residential, or nonresidential, tract, parcel, or lot of land and removing or cutting all tall grass with equipment designated specifically for that purpose.

Responsible party means the person, group, or organization responsible for corrective actions prescribed in this Code. In the context of this article this means the property owner, persons with an interest in subject property, the alleged violator or respondent, or proprietary person cited with an alleged violation.

Secure structure means a vacant or not lawfully occupied property that has been temporarily secured according to at least the following minimum standards:

- (1) It is hereby required that the securing of all exterior openings be accomplished in a neat workmanlike manner according to the following specifications:
- (2) No less than one-half inch thick CDX weather resistant plywood must be used,
- (3) Plywood must be cut to fit within openings,
- (4) Plywood must be securely fastened with two and one-half-inch wood screws, four to six inches on center or with one-half by eight-inch round head bolt with washer, through the center of the plywood with two by four back up.
- (5) The plywood shall be coated with two coats of exterior paint. Color shall blend with or harmonize with the exterior colors of the building as to be inconspicuous as possible. All bare wood siding, windows, overhand, and trim shall also be coated with exterior paint.
- (6) Secured structures must be maintained according to the above specifications until all code violations have been repaired or until the structure has been demolished according to code requirements.

Tall grass or weeds means any grass or weed more than ten inches long measured from grade perpendicular to the ground.

Total loss means a condition where the cost to repair a damaged or dismantled motor vehicle exceeds the junk value for such vehicle, as determined by a recognized national appraisal book.

Trash or debris means ordinary household or other objects of a flammable character such as barrels, cartons, boxes, crates, furniture, rugs, clothing, rags, mattresses, blankets, rubber tires; lumber, brick, stone, and other building materials no longer intended or in condition for ordinary use; any and all tangible personal property no longer intended or in condition for ordinary and customary use; refuse, garbage, car parts, scrap metal, or other vehicle remnants; and rubbish, shopping carts, and any other accumulation of deleterious, discarded or noxious matter.

Trash, residential, means small kitchen, food, and household discards.

Trash, bulk waste means items such as furniture, mattresses, and yard trimmings

Trash, white goods, refers to items such as refrigerators, stoves, and water heaters.

Underbrush means small trees, shrubs, vines, and weeds growing beneath taller trees on lots adjacent to developed or developing property.

Sec. 16-72. – Responsibility for property maintenance.

- (a) All owners and occupants of any building, house, structure, or grounds are responsible for the cleanliness of their premises and of the private alleys and neutral grounds immediately adjacent to their premises, and all owners and occupants of any building, house, structure or grounds and all business owners and managers of stores, restaurants, markets or stands are responsible for keeping sidewalks and parking lots servicing their building occupied by them in a clean condition.

Sec. 16-73. – Purpose and prohibited nuisance activities established.

- (a) **Notwithstanding procedures established in Chapter 2 – Article VI. – Code Enforcement by Administrative Adjudication, this article establishes the definitions, policies, procedures, and authority of the city to establish noncompliance with minimum property standards, issue violations, notify property owners of the need to correct a violation and of their right to request an administrative hearing.**
- (b) The city hereby establishes in this article certain minimum standards for the use of property in the city.
- (c) The city further declares that the violation of the minimum property standards established by this article is contrary to the health, safety, and welfare of the citizens of the city, constitutes a public nuisance, is subject to abatement, removal, penalties, and liabilities established by this Code.
- (d) **The city does hereby exercise the power and authority to abate the existence of all nuisances, as defined in this Code, and in doing so, the city may employ its own personnel, equipment, and facilities for the purposes of abating such nuisances, or may employ other persons, equipment, and facilities for this purpose.**

(Ord. No. 3547, 10-13-2009)

Sec. 16-74.- Adoption and application of the International Property Maintenance Code.

- (a) The city hereby adopts the 2006 International Property Maintenance Code published by the International Code Council, Inc. including any amendments published.
- (b) **The Property Maintenance Code may be utilized to evaluate nuisance conditions, and—should the city Code not be consistent—the more stringent standard applies.**

Sec. 16-75. - Standard notice conditions applicable to all nuisance violations.

- (a) **Generally.** Upon its own motion or upon complaint of any person, the city through its division of code enforcement will assess, determine the validity of a violation, and (when valid) provide notice of violation in accordance with the following general provisions. More specific notice requirements are prescribed within each division of this article and reflect the severity and unique characteristics of violations processed.
- (b) **Mailed notice.** Whenever a notice under this Code is required to be given to the owner of immovable property, the owner(s) are the name and address of the person(s) listed as owner of such property on the current records of the St. Tammany Parish Tax Assessor or the St. Tammany Clerk of Court.
- (c) **Refused or returned notice, effect.** Any notification sent and returned by U.S. Post Office is considered as having fulfilled the notification requirement.
- (d) **Multiple violations.** Once an owner or responsible party has been notified of a violation by one of the required methods stipulated in this article, future notices for similar violations or fees during that calendar year may be sent through the United States Postal Service by first class mail properly addressed and postage prepaid to the address and person as shown on the latest assessment rolls of the parish. Notice mailed by the United States Postal Service shall be deemed received five (5) business days after being deposited into the mail, if going within the State of Louisiana, ten (10) days if being delivered to another state within the continental United States, and fifteen (15) days if being delivered outside of the continental United States.

- (e) **Published notice.** If the owner of property is unknown and cannot be ascertained, or if attempts to serve notice and citation by certified mail have been unsuccessful, notice of the nature and location of the violation may be published once in the official journal of the city and such publication shall be deemed to be notice to the owner of the property upon which the violation is found to occur. Notice to one co-owner by any method shall be deemed to be notice to all other co-owners. If notice is given by publication, then the owner shall have five (5) days from the date of publication to correct the violation.
- (f) **Emergency procedures.** The required notice procedures established by this Code are the maximum required for compliance with this Code. Should a violation of a property standard of this Code pose an imminent threat to life, health, or safety, the city may immediately remedy, remove, and/or abate such a violation, including, but not limited to, immediate removal or abatement of anything or condition which is part of such a violation.

Sec. 16-76. - Right to request an administrative hearing.

- (a) **Right to an administrative hearing.** All alleged violators of this Code may exercise their right to an administrative hearing if, and only if, a request for a hearing is made within five (5) days of the date of violation notice. Contact information to request an administrative hearing or make inquiries will be provided on the violation notice.
- (b) Upon request, an administrative adjudication hearing will be held in accordance with Chapter 2 – Article VI. – Code Enforcement by Adjudication to allow the alleged violator the opportunity to provide testimony and / or refute the violation determination.
- (c) If an administrative hearing is requested within the five (5) days of the posted notice, a judgment or final order may be rendered whether or not the owner or their representative is present.
- (d) The administrative hearing officer is empowered to direct the correction of a violation within a specified period of time, as well as require payment of fees, abatement costs, and penalties in accordance with this Code.

Sec. 16-77. - Responsibility for abatement costs; collection of outstanding invoices; no administrative hearing requested.

- (a) **City remedies violation.** When a property owner or party responsible for violation abatement fails to correct a violation and does not request an administrative hearing, the city is authorized to remedy the violation upon completion of the allotted compliance period, and assess the responsible party all costs charged by an independent contractor and/or all expenses incurred in determining the identity of the owner in serving, sending, or providing notice and enforcing provisions of this Code.
- (b) **Billing.** At the completion of the work, the responsible party will be billed by certified mail return receipt requested, or by any other reasonable method of notification, itemizing the cost of said work.
- (c) **Payment.** Responsibly parties must remit payment within thirty (30) days from the date of invoicing by the city to pay in full the charges incurred.
- (d) **Failure to remit payment.**
 - (1) **Lien authorized.** If the full amount due to the city under the provisions of this article is not paid by the owner, the Director of the Department of Buildings and Safety or their duly authorized representative, in coordination with the city prosecutor, may cause to be recorded in the St. Tammany Parish Clerk of Court's Office a sworn statement showing the cost and expense incurred for the work and the date, place or property on which such work was done, and 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 cost of court, if any, for collection until final payment has been made.
 - (2) **Collection of as part of tax payments.** Such cost and expenses are collected in the manner fixed by law for the collection of taxes.
 - (4) **Violation addressed; lien prime over other claims.** A sworn statement recorded in accordance with the provisions hereof shall be prima facie evidence that all legal formalities have been complied with and that the work has been properly and satisfactorily done and shall be full notice to every

person concerned that the amount of the statement, plus interest, constitutes a charge against the property designated or described in the statement and that such charge is due and collectable as provided by law as prime over all other claims, mortgages, and liens, except taxes and prior recorded special assessment liens.

- (e) *City may take legal action to enforce compliance.* The fact that the city may cause premises, immovable and movable property, buildings, or parts thereof, or other such matters to be cleaned, cut, repaired, demolished or secured at the expense of the person owning the same, shall not preclude the city from taking legal action in a court of competent jurisdiction against the person who shall fail, neglect, or refuse to comply with the orders of the city and the violation or disregard of such orders shall be considered a violation of this article.

Sec. 16-78. Placard removal a separate violation of this article.

The removal of a violation placard by the owner, agent, or responsible party with vested interest in the resolution of an open code violation referred to in this section is a separate violation of this article subject to separate fees and penalties.

Sec. 16-79. - Penalty for violation of article.

Penalties for the violation of this article are set forth herein specificity, as well as in Chapter 2 – Article VI. – Code Enforcement by Administrative Adjudication.

(Ord. No. 3547, 10-13-2009)

Secs. 16-80 – 16-85. Reserved.

Division 2. Abandoned Vehicles

~~Sec. 16-81. Definition of "abandoned vehicle" and "abandonment of a vehicle."~~

- ~~(a) For purposes of this article, "abandoned vehicle" means any of the following:~~
- ~~(1) A vehicle which is inoperable and is left unattended on public property for more than 24 hours; or~~
 - ~~(2) A vehicle which inoperable and is left unattended on the shoulder of a right-of way of highway or street for more than three days; or~~
 - ~~(3) A vehicle which has remained illegally on public property for more than three days; or~~
 - ~~(4) A vehicle that has remained on private property without the consent or person in control of the property for more than three days.~~
- ~~(b) For purposes of this article, "abandonment of a vehicle" means the placement, leaving, keeping, disposition, or storage of a vehicle under the conditions specified in any of the subsections (1), (2), (3) or (4) of this section.~~

~~(Ord. No. 3547, 10-13-2009)~~

~~Sec. 16-82. Prohibition of abandonment of vehicle; declaration of abandonment of a vehicle and abandoned vehicle as nuisance.~~

~~The abandonment of a vehicle is a violation of this article and is hereby prohibited. The abandonment of a vehicle, and an abandoned vehicle, are contrary and inimical to the public health, safety and welfare, for the following non-exclusive reasons: abandoned vehicles may attract persons of tender years, who, being so attracted, may play in and about them and be injured in so doing; and such vehicles so placed, abandoned, left, kept or stored out-of-doors, exposed to the elements, deteriorate and in themselves are unsightly and, deteriorating, become more unsightly, promote blight, and are detrimental to and depreciate the value of the properties in the respective neighborhoods where they are located, and in the city as a whole; and such vehicles invite plundering and vandalism; and such vehicles create fire hazards and attract rodents and insects; and such vehicles interfere with~~

~~the free, safe, and unobstructed use of the public or private property in the vicinity of their location. Therefore, the abandonment of a vehicle, and an abandoned vehicle, are hereby declared public nuisances.~~

~~(Ord. No. 3547, 10-13-2009)~~

~~**Sec. 16-83. Abatement of nuisance created by abandonment of a vehicle or abandoned vehicle; removal and disposition of abandoned vehicle; costs of abatement and removal assessed.**~~

- ~~(a) The city may abate the public nuisance created by abandonment of a vehicle and by an abandoned vehicle by removing, taking custody of, and/or disposing of an abandoned vehicle by any of the methods provided in this section. The city, in its discretion, may employ its own personnel, equipment, and facilities for the purposes of removing, preserving, or storing abandoned vehicles, or the city, in its discretion, may employ other persons, equipment, and facilities for any or all of these purposes.~~
- ~~(b) Whenever any vehicle is determined to be an abandoned vehicle and the city determines that a tow truck operator shall remove and dispose of the abandoned vehicle, the city shall conduct the removal and disposition of the abandoned vehicle in accordance with the following procedure:~~
- ~~(1) The city property inspector or mayor's designee shall notify law enforcement officials, who shall post a notice on the windshield of the abandoned vehicle directing that the vehicle be removed from its location within 24 hours. Additionally, the notice shall direct that the failure to remove the vehicle may result in the vehicle being removed by the city of or by a tow truck operator acting on behalf of the city.~~
 - ~~(2) If the abandoned vehicle is not removed within 24 hours from date of posting of the notice required by subsection (b)(1) of this section, the vehicle may be removed and disposed of by a tow truck operator acting on behalf of the city. No further action by the city shall be required, and the procedures provided in this section shall constitute a request of the city to the tow truck operator to remove the vehicle.~~
 - ~~(3) If a tow truck operator removes an abandoned vehicle pursuant to this section, the tow truck operator shall store and may dispose of the vehicle pursuant to the Louisiana Towing and Storage Act.~~
- ~~(c) Whenever any vehicle is determined to be an abandoned vehicle and the city determines that the city shall remove and dispose of the abandoned vehicle, the city shall conduct the removal and disposition of the abandoned vehicle in accordance with any provisions of Louisiana law now or hereinafter existing, including, but not limited to, La. R.S. 32:471—32:476.~~

~~(Ord. No. 3547, 10-13-2009)~~

~~**Secs. 16-84—16-90. Reserved. Division 3. Derelict or Junk Vehicles**~~

~~**Sec. 16-91. Definition of derelict or junk vehicle.**~~

- ~~(a) For purposes of this article, "derelict or junk vehicle" means a vehicle which is in any of the following states or conditions:~~
- ~~(1) Wrecked;~~
 - ~~(2) Dismantled;~~
 - ~~(3) Partially dismantled;~~
 - ~~(4) Not lawfully operable on public streets. If a vehicle, on its own power, can start and move forward and backward at least ten feet, there shall be a rebuttable presumption that said vehicle is operable.~~
- ~~(b) A vehicle being stored or otherwise maintained for spare parts for the repair of any other vehicle shall nevertheless be a "derelict or junk vehicle" if the elements of the definition in subsection (a) of this section are otherwise satisfied.~~
- ~~(c) Notwithstanding the provisions of subsections (a) and (b) of this section, "derelict or junk vehicle" shall not include:~~

- ~~(1) Any motor vehicle in operable condition specifically adapted or constructed for racing or operation on privately owned raceways, which is maintained or kept on private property.~~
- ~~(2) Any operable motor vehicle retained by the owner on private property for antique collection purposes rather than for salvage or for transportation, provided that such vehicle is at least 25 years old or has a current and valid Louisiana antique license plate and certificate of registration.~~
- ~~(3) Parts from antique vehicles maintained on private property which are being used for restoration purposes.~~
- ~~(4) Any motor vehicle stored on private property as the property of a member of the armed forces of the United States who is on active duty assignment.~~
- ~~(5) Any motor vehicle stored in a garage.~~
- ~~(6) Storage of a motor vehicle by a lawfully permitted tow truck operator, salvage yard, or junkyard, provided that such storage is in full compliance with any and all laws and regulations applicable to such storage.~~

~~(Ord. No. 3547, 10-13-2009)~~

~~**Sec. 16-92. Prohibition of derelict or junk vehicles; declaration of derelict or junk vehicle as nuisance.**~~

~~Derelict or junk vehicles, and the placement, leaving, keeping, disposition, or storage of a derelict or junk vehicle, are violations of this article and are hereby prohibited. Derelict or junk vehicles, and the placement, leaving, keeping, disposition, or storage of a derelict or junk vehicle, are contrary and inimical to the public health, safety and welfare, for the following non-exclusive reasons: derelict or junk vehicles may attract persons of tender years, who, being so attracted, may play in and about them and be injured in so doing; and such vehicles so placed, abandoned, left, kept or stored out of doors, exposed to the elements, deteriorate and in themselves are unsightly and, deteriorating, become more unsightly, promote blight, and are detrimental to and depreciate the value of the properties in the respective neighborhoods where they are located, and in the city as a whole; and such vehicles invite plundering and vandalism; and such vehicles create fire hazards and attract rodents and insects; and such vehicles interfere with the free, safe, and unobstructed use of the public or private property in the vicinity of their location. Therefore, derelict or junk vehicles, and the placement, keeping, disposition, or storage of a derelict or junk vehicle, are hereby declared public nuisances.~~

~~(Ord. No. 3547, 10-13-2009)~~

~~**Sec. 16-93. Abatement of nuisance created by derelict or junk vehicle; removal and disposition of derelict or junk vehicle; costs of abatement and removal assessed.**~~

- ~~(a) The city may abate the public nuisance created by a derelict or junk vehicle and by the placement, keeping, disposition, or storage of a derelict or junk vehicle by removing, taking custody of, and/or disposing of a derelict or junk vehicle by the method provided in this section. The city may abate such nuisances whether they exist on public property or on private property. The city, in its discretion, may employ its own personnel, equipment, and facilities for the purposes of removing, preserving, or storing derelict or junk vehicles, or the city, in its discretion, may employ other persons, equipment, and facilities for any or all of these purposes.~~
- ~~(b) Whenever any vehicle is determined to be a derelict or junk vehicle, the city shall conduct the removal and disposition of the derelict or junk vehicle in accordance with the following procedure:
 - ~~(1) The city shall post a notice on the windshield of the derelict or junk vehicle directing that the vehicle be removed from its location within ten calendar days and the notice shall direct that the failure to remove the vehicle may result in the vehicle being removed by the city or by a tow truck operator acting on behalf of the city. In the event that the owner or occupant of the premises upon which the derelict or junk vehicle is located is to be taxed for the costs of abatement, reasonable notice shall also be sent to the owner or occupant of said premises, directing that the vehicle be removed from its location within ten calendar days, and the notice shall direct that the failure to remove the vehicle may result in the vehicle being removed by the City of Slidell or by a tow truck operator acting on behalf of~~~~

~~the city, and that in such event, the owner or occupant shall be assessed for the costs of removal and abatement.~~

~~(2) If the derelict or junk vehicle is not removed within ten calendar days, from date of the notice required by subsection (b)(1) of this section, the vehicle may be removed and disposed of by a tow truck operator on behalf of the city in accordance with subsection (b)(3) of this section, or the city may elect to remove and dispose of the vehicle in accordance with subsection (b)(4) of this section.~~

~~(3) If a tow truck operator removes a derelict or junk vehicle pursuant to this section, the tow truck operator shall store and may dispose of the vehicle pursuant to the Louisiana Towing and Storage Act.~~

~~(4) If the city removes a derelict or junk vehicle pursuant to this section, the city may dispose of the vehicle by any one or more of the following methods, at its option:~~

~~a. The city may cause the vehicle to be delivered to a salvage or scrap facility and surrendered as scrap;~~

~~b. The city may negotiate with any towing company or companies an agreement or agreements whereby the towing company or companies shall remove the vehicle in consideration of the towing company or companies receiving any salvage or scrap value which may be obtainable from the disposition of the vehicle;~~

~~c. The city may otherwise dispose of the vehicle by any cost effective means available, including, but not limited to, the authorization of the city to pay reasonable fees to any third party willing to accept the vehicle if disposition of the vehicle is not immediately available by either of the methods specified in subsections (b)(4)(a) or (b)(4)(b) of this section.~~

~~(c) To the extent that the city may incur any cost associated with the removal or abatement of the public nuisance caused by a derelict or junk vehicle, the owner of the derelict or junk vehicle, and/or any person placing, keeping, or storing the derelict or junk vehicle, and/or any owner or occupant of premises upon which the derelict or junk vehicle is placed, kept, or stored, shall be liable to the city for such costs. In the event that the owner of the premises upon which the derelict or junk vehicle was located is taxed for such costs, such costs, along with reasonable administrative charges, may be represented and secured by a privilege and lien preserved and enforced as permitted by applicable law, including, but not limited to, La. R.S. 33:4766.~~

~~(Ord. No. 3547, 10-13-2009)~~

~~Secs. 16-94—16-100. Reserved~~

Division 2.- Abandoned, Inoperable, and Junked Vehicles Stored on Private Property.

Sec. 16-86. - Purpose.

This division establishes definitions, minimum property standards, and abatement procedures to mitigate the negative effects of abandoned, inoperable, and junked vehicles on private property in the city.

Sec. 16-87. - Declaration of nuisance.

Abandoned, inoperable, or junked, or derelict vehicles, and the placement, leaving, keeping, disposition, or storage of an abandoned, derelict or junk vehicle on private property, is contrary to the public's health, safety and welfare and such activity is hereby declared a public nuisance and prohibited for the following non-exclusive reasons, where such vehicles:

(a) May attract children who may play in and about them and become injured;

(b) Are exposed to the elements, deteriorate and are unsightly and become more unsightly when left unaddressed, promoting blight and being detrimental to and depreciating the value of nearby properties and properties in the city as a whole;

- (c) Invite ~~plundering and~~ vandalism;
- (d) Create fire hazards and attract rodents and insects;
- (e) Interfere with the free, safe, and unobstructed use of the public or private property in the vicinity of their location.

(Ord. No. 3547, 10-13-2009)

Sec. 16-88. - Prohibition on private property.

- (a) ***Temporary storage within the front yard.*** Except as otherwise provided for in this article, only one junked, or inoperable vehicle may be temporarily stored within the front yard of a residential dwelling for a period of seven (7) calendar days, provided the vehicle is stored on a hard surface that is maintained in good condition, free of weeds, dust, trash, and debris.
- (b) ***Relocation after initial observation.*** After this seven (7) day period, should the same vehicle be moved and returned to the front yard at a later date, and continue to meet the criteria of a junked or inoperable, motor vehicle, the vehicle will be in violation of this Code immediately upon relocation to the front yard area.

Sec. 16-89. - Notice requirements, administrative hearing, abatement, and penalties.

- (a) ***On-site notification.*** For the purposes of determining the status of any abandoned, inoperable, or junked, vehicle on private property; code enforcement officers will inspect any such vehicle(s), record the location, the type, make, color, and license registration, of the vehicle—if one exists—and shall post a notice on the windshield of the abandoned or junk vehicle, tag, number and photograph such vehicle(s). Should the vehicle be inaccessible, city code enforcement officers shall post the notice on site in a location both near to the vehicle and visible from the street. The tag or notice shall be sufficient notice to the owner to remove the vehicle and request a hearing.
 - (1) ***Minimum ten (10) days.*** The time for compliance begins on the date of the receipt of notice, which is tagging of the vehicle.
 - (2) ***Contents.*** The notice of violation must inform the person in large print and include:
 - i. The date and time of posting or notice;
 - ii. The violation and requirement that the owner must remove the vehicle within ten (10) days of the date of posting;
 - iii. Details regarding their right to an administrative hearing, if and only if, a request for a hearing is made within five (5) days of the date of notice;
 - iv. Contact information for the city department posting the notice; and
 - v. Statement that advises failure to remove the vehicle within ten (10) days may result in the vehicle being removed, destroyed, or sold by the city or by a tow truck operator acting on behalf of the city and that in such event, the owner or occupant shall be assessed for the costs of removal and abatement, and associated fines, penalties and fees.
- (b) ***Administrative hearing consideration.*** If the 'total loss' junked vehicle criteria is refuted within the testimony heard as part of an administrative hearing, the property owner, or person or entity in control of the property is responsible for providing evidence in the form of three (3) cost estimates to repair the vehicle, as well as the junk value of the vehicle as determined by a recognized national appraisal book.

Sec.16-90. - Removal; tow truck operator to notify and work with code enforcement, re: vehicle storage, sale, or disposal.

- (a) Both city administration and code enforcement officers are authorized to use whatever means and methods it has available at its disposal for vehicle removal, and it may proceed to have this accomplished either by its own employees or by an independent contractor.

- (b) No other action by the city shall be required and the procedures provided in this section shall constitute a request of the city to the tow truck operator to remove the vehicle.
- (c) The tow truck operator shall tow, store, dispose, or sell the vehicle pursuant to the Louisiana Towing and Storage Act. The city shall have no civil or criminal liability for the acts or omissions committed by the tow truck operator, salvage yard and/or independent contractor.

Sec.16-91.- Redemption by owner.

The owner of an abandoned, inoperable, derelict, junked, or otherwise unlawfully parked or stored motor vehicle seized or impounded by the city may redeem such vehicle at any time after its removal but prior to an order of sale or destruction thereof, upon proof of ownership and by paying all administrative fees, accrued storage and towing fees, and penalties.

Secs. 16-92—16-95. - Reserved.

Division 3. ~~Division 4. Littering and Maintenance of Junk~~ Weeds, Noxious Accumulations, Litter, and Junk

Sec. 16-96. - Purpose.

This division establishes definitions, minimum property standards, and abatement procedures to mitigate the negative effects of weeds, noxious accumulations, litter, and junk in the city.

~~Sec. 16-101. Definition and prohibition of "littering;" littering declared public nuisance.~~

~~It is hereby declared unlawful to sweep, blow, deposit, throw, allow or permit paper, trash, litter, all forms of solid waste, dirt, yard waste or other material into the streets, sidewalks, parking lots, drains, ditches, swales, or other drainage mechanism, or other public ways adjacent to such stores, restaurants, homes and structures or to allow such forms of solid waste to accumulate on private property. Violation of these property standards is hereby defined as "littering" for purposes of this article, and such littering is contrary to and inimical to the public health, safety, and welfare for the following non-exclusive reasons: such littering creates hazards of fire and disease; and such littering may attract persons of tender years, who, being so attracted, may play in and about them and be injured in so doing; and such littering is unsightly and, upon deteriorating, becomes more unsightly, promotes blight, and is detrimental to and depreciates the value of the properties in the respective neighborhoods where it is located, and in the city as a whole; and such littering invites plundering and vandalism; and such littering attracts rodents and insects; and such littering interferes with the free, safe, and unobstructed use of the public or private property in the vicinity of its location. Therefore, littering is hereby declared to be a public nuisance.~~

~~(Ord. No. 3547, 10-13-2009)~~

Sec. 16-97. - Declaration of nuisance.

- (a) The growth of weeds, grass, and other underbrush, to a height of greater than twelve (12) inches, as well as the placement of trash, debris, refuse, garbage and discarded or noxious matter—including unmaintained vegetative growth that collects trash or debris within such growth—on any lot, place, area or sidewalk, or sidewalk area in the city is hereby declared to be a public nuisance and detrimental to the general health of the city.
- (b) Litter and the maintenance of junk is contrary to the public's health, safety, and welfare and is hereby declared to be a public nuisance.

Sec. 16-98. - Prohibition on private property.

- (a) **Littering.** Violation of the following property standards is hereby defined as "littering" for purposes of this article:
- (1) All owners of land within the city, or the duly authorized agents of such owners, must remove all trash, debris and refuse, garbage and discarded or noxious matter on any lot, place, area and the sidewalks and sidewalk areas adjacent to their property.
 - (2) It is unlawful to sweep, blow, deposit, throw, allow or permit paper, trash, litter, all forms of solid waste, dirt, yard waste or other material into the streets, sidewalks, parking lots, drains, ditches, swales, or other drainage mechanism, or other public ways adjacent to such stores, restaurants, homes and structures or to allow such forms of solid waste to accumulate on private property.
 - (3) **Garbage, trash, bulk waste, electronics, and yard waste cannot be left in the yard and debris must be properly disposed of, including small kitchen, food and household discards, which must be bagged or placed in a proper container and placed street-side for pick up.**
- (b) Outdoor storage, maintenance of junk, and associated unmaintained vegetative growth. Maintenance of junk and associated unmaintained vegetative growth that collects trash, debris, or prevents the free movement of air, water, or open space is a violation of this article and is hereby prohibited. Outdoor storage of equipment, materials or furnishings is prohibited on residential property. Likewise, indoor furniture, household appliances, auto parts or building materials may not be stored outside.
- (c) **Yard maintenance standards.** All owners of land within the city, or the duly authorized agents of such owners, shall cut and remove all the rank growth of weeds, grass and other underbrush, in excess of twelve (12) inches, as well as unmaintained vegetative growth that collects trash, debris, or prevents the free movement of air, water, or open space in required front, side or rear yards of any developed property in the city.

Sec. 16-99. - Notice requirements.

- (a) **Generally.** For the purposes of determining noncompliance of any litter, high grass, or junk violation; code enforcement officers will inspect such conditions, record evidence of noncompliance, including a picture of the violation with both the time and date noted, and provide both mailed and posted notice to the property owner in furtherance of violation correction.
- (b) **On-site notification.** On site notification must be in a location both near to the violation, visible from the street, and contain required contents in subsection (d) below.
- (c) **Mailed notice.** The city will send to the owner or occupant of the premises where the violation exists a letter containing required contents in subsection (d) below.
- (d) **Required contents.** Both mailed and on-site notifications must include or address:
- (1) The date and time of posting or notice;
 - (2) The violation and requirement that the owner must correct the violation (i.e., clear trash, cut grass) within ten (10) days of the date of posting;
 - (3) Details regarding their right to an administrative hearing, if and only if, a request for a hearing is made within five (5) days of the date of notice;
 - (4) Contact information for the city department posting the notice, and
 - (5) Statement that advises failure to correct the violation or may result abatement by the city and that in such event, the owner or occupant shall be assessed for the costs of removal and abatement.

Sec. 16-100. - Removal; litter, junk, high grass, and debris.

- (a) Both city administration and code enforcement officers are authorized to use whatever means and methods it has available at its disposal to abate and remove litter, junk, high grass and debris, and it may proceed to have this accomplished either by its own employees or by an independent contractor.
- (b) No other action by the city shall be required and the procedures provided in this section shall constitute a request of the city to independent contractors to provide such services.

Secs. 16-101—16-110. - Reserved.

~~Sec. 16-102. Abatement of public nuisance created by littering; liability of owner of premises for costs of abatement; collection of costs of abatement.~~

- ~~(a) The city is hereby authorized to abate the public nuisance created by littering, and in so doing, to enter those areas declared to be in violation after proper notification to the owner and/or occupant and to collect, remove, pick up and haul away any violating garbage, trash or solid waste to a place of disposal. The city may abate such nuisances whether they exist on public property or on private property. The city, in its discretion, may employ its own personnel, equipment, and facilities for the purposes of abating a public nuisance created by littering, or the city, in its discretion, may employ other persons, equipment, and facilities for this purpose.~~
- ~~(b) The city shall not undertake any work to abate a public nuisance created by littering until the owner or occupant of the immovable property where the nuisance is situated has had the opportunity to do the work himself within at least ten days after reasonable notice has been given to him, or in his absence from the city, to the agent of leased or occupied premises or, if the agent is not known, to the occupant thereof, or if not leased or occupied, by advertisement in the official journal of the city for two days within a five-day period.~~
- ~~(c) The actual cost to the city in having such work performed, along with reasonable administrative charges, is declared to be:~~
- ~~(1) A personal liability of the owner or occupant of the immovable property where the work is performed; and~~
 - ~~(2) A personal liability of any person who committed an act of littering out of which the work arises; and~~
 - ~~(3) A personal liability of any person who permitted or suffered an act of littering out of which the work arises; and~~
 - ~~(4) A charge, cost or expense of the immovable property where the work is performed, which may be represented, secured, and collected by a privilege and lien preserved and enforced as permitted by applicable law, including, but not limited to, La. R.S.33:4766.~~

~~(Ord. No. 3547, 10-13-2009)~~

~~Sec. 16-103. Definition of "junk" and "maintenance of junk."~~

- ~~(a) For purposes of this article, "junk" means any of the following:~~
- ~~(1) Any discarded material or article, not placed for collection and disposal in accordance with all laws and regulations and all specifications and requirements of the collector of solid waste.~~
 - ~~(2) Any material or article which has no further useful life in its original form and has not been converted to another useful purpose.~~
 - ~~(3) Any unused appliance and/or parts thereof, including but not limited to a washing machine, clothes dryer, refrigerator and freezer.~~
 - ~~(4) Machinery and/or equipment or parts thereof, other than derelict or junked vehicles or abandoned vehicles as defined in sections 16-61 and 16-71 of this article, which, by reason of deterioration through rusting, rotting or otherwise, have become inoperable and/or unusable for the purpose for which they were intended.~~
 - ~~(5) Construction and other debris, including, but not limited to, railroad cross ties (when not incorporated into railroad track beds and not used for landscaping); excess or remnant building materials; vegetative matter; and trees, shrubs, and other debris resulting from land clearing, construction site preparation, or construction site modification.~~
 - ~~(6) Wastepaper, boxes and crates and/or parts thereof.~~

~~(b) For purposes of this article, "maintenance of junk" means the placement, keeping, leaving, or storage of "junk" as defined in subsection (a) of this section, except under the circumstances specified in subsection (c) of this section.~~

~~(c) Notwithstanding the provisions of subsection (b) of this section, maintenance of junk" shall not include any of the following:~~

~~(1) Placement, keeping, leaving or storage of junk by a lawfully permitted salvage yard or junkyard, provided that such salvage yard or junkyard is in full compliance with any and all laws and regulations applicable to its operations.~~

~~(2) Placement, keeping, leaving, or storage of junk in an enclosed building, including a carport or garage permanently attached to a residential dwelling.~~

~~(Ord. No. 3547, 10-13-2009)~~

~~**Sec. 16 104. Prohibition of maintenance of junk; declaration of maintenance of junk as public nuisance.**~~

~~Maintenance of junk is a violation of this article and is hereby prohibited. Maintenance of junk is contrary to and inimical to the public health, safety, and welfare for the following non-exclusive reasons: junk, unless properly contained and regulated, creates hazards of fire and disease; and junk, unless properly contained and regulated, may attract persons of tender years, who, being so attracted, may play in and about them and be injured in so doing; and junk, unless properly contained and regulated, is unsightly and, upon deteriorating, becomes more unsightly, promotes blight, and is detrimental to and depreciates the value of the properties in the respective neighborhoods where it is located, and in the city as a whole; and junk, unless properly contained and regulated, invites plundering and vandalism; and junk, unless properly contained and regulated, attracts rodents and insects; and junk, unless properly contained and regulated, interferes with the free, safe, and unobstructed use of the public or private property in the vicinity of its location. Therefore, the maintenance of junk is hereby declared to be a public nuisance.~~

~~(Ord. No. 3547, 10-13-2009)~~

~~**Sec. 16 105. Abatement of public nuisance created by maintenance of junk; removal and disposition of junk; costs of abatement and removal assessed.**~~

~~(a) The city may abate the public nuisance created by maintenance of junk by removing, taking custody of, and/or disposing of the violating junk by the method provided in this section. The city may abate such nuisances whether they exist on public property or on private property. The city, in its discretion, may employ its own personnel, equipment, and facilities for the purposes of abating a public nuisance caused by maintenance of junk, or the city, in its discretion, may employ other persons, equipment, and facilities for this purpose.~~

~~(b) Whenever maintenance of junk is determined to exist, the city shall conduct the removal and disposition of the violating junk in accordance with the following procedure:~~

~~(1) If the city determines that the violating junk is of such size and number as to permit individual identification, the city may post a notice on the violating junk, directing that it be removed from its location within ten calendar days. Additionally, the notice shall direct that the failure to remove the violating junk within ten calendar days may result in the junk being removed by or on behalf of the city.~~

~~(2) If the city determines that the violating junk is not of such size and number as to permit individual identification, the city property inspector or mayor's designee may send notice by either of the following methods:~~

~~a. The city may post a notice on the premises where the violation exists, reasonably identifying the violating junk, and directing that it be removed from its location within ten calendar days. Additionally, the notice shall direct that the failure to remove the violating junk within ten calendar days may result in the junk being removed by or on behalf of the City of Slidell.~~

- ~~b. — The city may send a letter to the owner or occupant of the premises where the violation exists, reasonably identifying the violation exists reasonably identify the violating junk, and directing that it be removed from its location within ten calendar days. Additionally, the notice shall direct that the failure to remove the violating junk within ten calendar days may result in the junk being removed by or on behalf of the city.~~
- ~~(3) — If the violating junk is not removed within ten calendar days, from the date of the giving of the notice required by subsections (b)(1) or (b)(2) of this section, the violating junk may be removed and disposed of by or on behalf of the City of Slidell.~~
- ~~(4) — After removal of junk pursuant to this section, the city may dispose of the junk by anyone or more of the following methods, at its option:~~
- ~~a. — The city may cause the junk to be delivered to a salvage or scrap facility and surrendered as scrap;~~
- ~~b. — The city may negotiate with any third party an agreement or agreements whereby the third party shall remove the junk in consideration of the third party receiving any salvage or scrap value which may be obtainable from the disposition of the junk;~~
- ~~c. — The city may otherwise dispose of the junk by any cost effective means available, including, but not limited to, the authorization of the city to pay reasonable fees to any third party willing to accept the junk if disposition of the junk is not immediately available by either of the methods specified in subsections (b)(4)(a) or (b)(4)(b) of this section.~~
- ~~(c) — To the extent that the city may incur any cost associated with the removal or abatement of the public nuisance caused by maintenance of junk, the actual cost to the city in having such work performed, along with reasonable administrative charges, is declared to be:~~
- ~~(1) — A personal liability of the owner or occupant of the immovable property where the work is performed; and~~
- ~~(2) — A personal liability of any person who committed an act of maintenance of junk out of which the work arises; and~~
- ~~(3) — A personal liability of any person who permitted or suffered an act of maintenance of junk out of which the work arises; and~~
- ~~(4) — A charge, cost or expense of the immovable property where the work is performed, which may be represented, secured, and collected by a privilege and lien preserved and enforced as permitted by applicable law, including, but not limited to, La. R.S. 33:4766.~~

~~(Ord. No. 3547, 10-13-2009)~~

Division 4. Graffiti and Unsafe Signs.

Sec. 16-111. - Purpose.

This division establishes definitions, minimum property standards, and abatement procedures to mitigate the negative effects of graffiti and unsafe signs in the city.

Sec. 16-112. - Declaration of nuisance.

- (a) *Graffiti.* Graffiti undermines property owner’s rights to maintain their site in a predictable manner, and—when visible from the public right of way—can cause devaluation of the property impacted, as well as the corridor and community. Further, when graffiti is not quickly removed, it is more likely that nearby properties will become the target of graffiti, and entire areas become affected and less desirable places in**

which to be, all to the detriment of the city. For these reasons, graffiti is hereby declared a public nuisance and a threat to the public's health, safety, and welfare.

- (b) *Unsafe signs.* Unsafe signs, as described in Appendix A, Part 2, Sec. 2.2305 of this Code, are hereby declared a public nuisance and a threat to the public's health, safety, and welfare because of their likely interference with traffic and likelihood to fall or blow down or cause possible injuries to passersby or property.

Sec. 16-113. – Prohibition on private property.

- (a) *Graffiti prohibited.* It shall be unlawful for any person to write, paint, inscribe, scratch, scrawl, spray, place or draw graffiti of any type on any public or private building structure or any other real property within view of the public right-of-way.
- (b) *Unsafe signs prohibited.* It shall be unlawful for the owner of any property to allow a sign existing on such property to become structurally unsafe, endanger the safety of a building or premises, or endanger the public's safety.

Sec. 16-114. - Notice requirements.

- (a) *Generally.* For the purposes of determining noncompliance of any graffiti or unsafe sign violation; code enforcement officers will inspect such conditions, record evidence of noncompliance, including a picture of the violation with both a time and date noted, and provide both mailed and posted notice to the property owner in furtherance of violation correction.
- (b) *On-site notification.* On site notification must be in a location both near to the violation, visible from the street, and contain required contents in subsection (d) below.
- (c) *Mailed notice.* The city will send to the owner or occupant of the premises where the violation exists a letter containing required contents in subsection (d) below.
- (d) *Required contents.* Both mailed and on-site notifications must include or address:
- (1) The date and time of posting or notice;
 - (2) The street address or other description of the property sufficient for property identification;
 - (3) The violation and requirement that the owner must correct the violation within seven (7) days of the date of posting;
 - (4) Details regarding their right to an administrative hearing pursuant to this chapter and article, if and only if, a request for a hearing is made within five (5) days of the date of posting;
 - (5) Contact information for the city department posting the notice, and
 - (6) Statement that advises both:
 - i. Failure to correct the violation within seven (7) days of the date of posting may result abatement by the city and that in such event, the owner or occupant will be assessed for all removal and abatement costs.
 - ii. If graffiti is applied by a person under 18 years of age, the parents or legal guardians of such minor are responsible for the removal of the graffiti within seven (7) days after receiving written notice. The removal by the person placing the graffiti may only be completed with the permission of the property owner or person in possession.

Sec. 16-115. – Penalties, Graffiti.

- (a) *In general.* The city reserves the right to seek penalties and/or remedies through civil and/or criminal means described herein.
- (b) Graffiti violations subject the offender(s) to:
- (1) *Civil penalties.* Civil penalties pursuant to the total number of adjudicated violations within the city by the offender, as follows:
 - i. First offense: \$350.00.
 - ii. Second offense (+): \$500.00.

- iii. If the offender is a juvenile, the parent or guardian of the juvenile is subject to the civil penalty.
- (2) *Criminal penalties.* In addition to, or in lieu of civil penalties or other remedies, graffiti violations may also result in a criminal infraction in accordance with section 11-4 of this Code.
- (c) Graffiti violations subject the property owner or person in possession to civil penalties not to exceed \$500.00 per offense.

Secs. 16-116—16-125. - Reserved.

Division 5. – Dangerous and Unsafe ~~Structures.~~ Buildings and Premises.

~~Sec. 16-111. Demolition and/or removal of dangerous or unsafe structures in accordance with state law; recovery of costs in accordance with state law.~~

~~The city is hereby authorized to demolish and/or remove dangerous or unsafe structures in accordance with any and all provisions of law now or hereinafter existing, including, but not limited to, La. R.S. 33:4761 through 4767, inclusive. The city is further authorized to recover its costs of demolition, removal, and/or maintenance, along with administrative fees, attorney's fees and interest, in accordance with any and all provisions of law now or hereinafter existing, including, but not limited to, La. R.S. 33:4766.~~

~~(Ord. No. 3547, 10-13-2009)~~

~~Sec. 16-112. Securing dangerous or dilapidated structures.~~

~~(a) City finds, determines and declares that buildings which are abandoned and improperly boarded for any appreciable period of time become an attractive nuisance to children, a harborage of rodents, prime locations for illegal activities, an increase fire hazard, a blight that causes deterioration and instability in neighborhoods, invites dumping of garbage and trash, and pose serious threat to the public's health and safety. The purpose of this policy is to protect the public health and safety of the citizens of the city. When necessary for the public health and safety, the owner of all property declared in a dangerous and dilapidated condition by the city shall board and secure the structure or condition within the time set forth by the city. The owner is to maintain such boarding or securing at all times until the structure is brought into full compliance with the applicable building or abatement codes or until such time as the structure is demolished and removed. Boarding and securing of the structure or condition does not relieve the owner of the requirement to diligently repair, rehabilitate or demolish and remove the structure or condition.~~

~~(b) Residential or commercial buildings which have code violations and have been determined to be in a dangerous and dilapidated state shall be secured, for a temporary period, according to the city department of building safety and the following:~~

- ~~(1) It is hereby required that the securing of all exterior openings be accomplished in a neat workmanlike manner according to the following specifications:~~
- ~~(2) No less than one-half inch thick CDX weather resistant plywood must be used,~~
- ~~(3) Plywood must be cut to fit within openings,~~
- ~~(4) Plywood must be securely fastened with two and one-half inch wood screws, four to six inches on center or with one-half by eight inch round head bolt with washer, through the center of the plywood with two by four back up.~~
- ~~(5) The plywood shall be coated with two coats of exterior paint. Color shall blend with or harmonize with the exterior colors of the building as to be inconspicuous as possible. All bare wood siding, windows, overhand, and trim shall also be coated with exterior paint.~~
- ~~(6) Secured structures must be maintained according to the above specifications until all code violations have been repaired or until the structure has been demolished according to code requirements.~~

~~(c) The city may send a letter to the owner of the unsecured premises directing that it be secured within ten calendar days. Additionally, the letter shall direct that the failure to secure the premises within ten calendar days may result in the premises being secured by or on behalf of the city.~~

~~(d) To the extent that the city may incur any cost associated with the securing of the premises, the actual cost to the city in having such work performed, along with reasonable administrative charges, is declared to be:~~

- ~~(1) A personal liability of the owner of the immovable property where the work is performed; and~~
- ~~(2) A charge, cost or expense of the immovable property where the work is performed, which may be represented, secured, and collected by a privilege and lien preserved and enforced as permitted by applicable law, including, but not limited to, La. R.S. 33:4766.~~

~~(Ord. No. 3547, 10-13-2009)~~

Sec. 16-126. - Purpose.

This division establishes definitions, minimum property standards, and abatement procedures to mitigate the negative effects of dangerous and unsafe buildings and premises in the city to provide for the safety, health, protection, and general welfare of persons and property in the city by requiring such unsafe buildings and premises to be repaired, made safe, secured, or demolished and removed in accordance with LA R.S. 33:4761 through 4767.

Sec. 16-127. - Declaration of nuisance.

Unsafe buildings and premises are declared a nuisance and threat to life and property in the city. Buildings, structures, and premises may become unsafe by reason of damage by fire, the elements, age, or general deterioration. Vacant buildings not properly secured at doorways and windows also serve as an attractive nuisance for young children who may be injured therein. A dilapidated building or unkept premises may also serve as a place of rodent infestation thereby creating a health menace to the city.

Sec. 16-128. – Minimum standards for securing dangerous or unsafe buildings or premises.

- (a) ***Vacant buildings and premises; requirement to secure.*** The owner of any vacant building that has been declared an unsafe structure is responsible for maintaining the building and premises by boarding and securing the structure at all times until the structure is reoccupied.
- (b) ***Buildings noncompliant with minimum building code requirements.*** Residential or commercial buildings and premises determined to be in a dangerous or unsafe condition shall be secured until such time as the building and premises is brought into full compliance with applicable codes or until such time as the structure is demolished and removed. Boarding and securing of the structure or condition does not relieve the owner of the requirement to diligently repair, rehabilitate or demolish and remove the structure or condition.
- (c) ***Buildings with open, pending code violations.*** Secured structures must be maintained according to the specifications in subsection (d) until all code violations have been repaired or until the structure has been demolished according to code requirements.
- (d) ***Minimum requirements to secure exterior openings.*** The securing of all exterior openings must be accomplished in a neat workmanlike manner according to the following specifications:
 - (1) No less than one-half inch thick CDX weather resistant plywood must be used;
 - (2) Plywood must be cut to fit within openings;
 - (3) Plywood must be securely fastened with two and one-half-inch wood screws, four to six inches on center or with one-half by eight-inch round head bolt with washer, through the center of the plywood with two by four back up;

- (4) The plywood must be coated with two coats of exterior paint. Color shall blend with or harmonize with the exterior colors of the building as to be inconspicuous as possible. All bare wood siding, windows, overhand, and trim must also be coated with exterior paint.

Sec. 16-129. - Compliant, investigation, and report.

- (a) Upon receipt of a compliant, a code enforcement officer must make an inspection of the alleged unsafe and dangerous structure or premises and make a report in writing, concerning their findings and recommendations in regard to its repair, security, demolition and removal, to the mayor, when in the code enforcement officer's opinion or upon receipt of information that a building or premises:
- (1) Is or may become dangerous or unsafe to the general public;
 - (2) Is open at the doorways and windows making it accessible to and an object of attraction to minors under 18 years of age, as well as other trespassers;
 - (3) Is or may become a place of rodent infestation;
 - (4) Presents any other danger to the health, safety, and general welfare of the public; or
 - (5) Is unfit for the purposes for which it may lawfully be used.

Sec. 16-130. - Review of report and determination by mayor.

- (a) *Generally.* The mayor shall review this report and determine, if in their opinion the report so warrants, that such building or premises is unsafe and dangerous, the mayor may refer the case to an administrative hearing in accordance with Chapter 2 - Article VI – Code Enforcement by Administrative Hearing and provide notice pursuant to section 16-131.
- (b) *Determination of imminent danger, 24 hours' notice authorized.* If the hearing officer determines that said premises, building, part of building, etc., are in imminent danger of collapse and constitute a menace to public health and safety, he or she shall request a resolution from the City Council to order and cause the demolition of said premises, building, part of building, etc., in coordination with city departments and private corporations after 24 hours' notice to any person who may have a vested or contingent interest in said premises, building, or part of building, etc.
- (c) *Determination of unsafe building or premises, regular notice authorized.* If the hearing officer determines that said premises, building, part of building, etc., are not in imminent danger of collapse, but are unsafe or dangerous, he or she shall cause the premises or structure to be brought to a safe condition. In this regard, he or she shall order that a notice be served upon the persons in the manner provided herein, where:
- (1) Unsecured premises must be secured in accordance with Sec. 16-128. – Minimum standards for securing dangerous or unsafe buildings or premises within ten (10) calendar days of notice.
 - (2) Unsafe and dangerous buildings not able to be secured must be repaired, secured or removed within thirty (30) days of notice.
 - (3) All required securing or removal activities must commence within ten (10) days of the service of the notice and shall be completed within thirty (30) days thereafter, unless for good cause shown such time shall be extended.

Sec. 16-131. – First notice to persons with interest in premises.

- (a) *Generally.* Notice to repair, secure, or remove an unsafe building or to make safe a premises must first be served by certified mail, by personal service to those residing on the property, and through on site notification affixed to the site.
- (b) *On-site notification.* On site notification must include a securely affixed copy of such notice upon the unsafe building or premise, visible from the street, and contain required contents in subsection (e) below.

- (c) *Personal service.* Personal service must include a copy of such notice served upon any adult person residing in or occupying said premises if such person can be reasonably found.
- (d) *Certified mailed notice.* The city will send a copy of such notice containing required contents in subsection (e) below by certified mail to the owner, executor, administrator, agent, lessee, or any person having a vested or contingent interest in such unsafe building as shown by the records of the assessor or of the clerk of court; or if no such person can be reasonably found to the owner directed to his last known address. Notice to one co-owner by any method shall be deemed to be notice to all other co-owners.
- (e) *Required contents.* Both mailed, personally served, and on-site notifications must include or address:
 - (1) The date and time of posting or notice;
 - (2) The street address or other description of the property sufficient for property identification;
 - (3) A statement of the particulars supporting the determination that the building or premises is unsafe or dangerous;
 - (4) An order outlining the manner in which the building or premises are to be made safe and secure, or demolished and removed in accordance with timeframes prescribed subsection 16-130(c)(1) and (2).
 - (5) Details regarding their right to an administrative hearing pursuant to this chapter and article, if and only if, a request for a hearing is made within five (5) days of the date of posting;
 - (6) Contact information for the city department posting the notice, as well as the phone number to request an administrative hearing or make inquiries; and
 - (7) Statement that advises both:
 - A. All required securing or removal activities must commence within ten (10) days of the service of the notice and shall be completed within 30 days thereafter, unless for good cause shown such time shall be extended.
 - B. Failure to correct the violation or request an administrative hearing in accordance with the timeframes prescribed subsection 16-130(c)(1) and (2) may result in abatement by the city and that in such event, the owner or occupant will be assessed for all repair, removal, and abatement costs.

Sec. 16-132. – Second notice to persons with interest in premises.

- (a) *Failure to resolve violation after first notice.* If persons refuse to comply with the requirements of the first notice, a second published notice must be served notifying the public that unless the demolition, improvements, or repair work is commenced within five (5) days of published notice, the city public works director will enter upon the premises, close up and barricade all entrances, prevent further occupation of any or all parts of the building, and protect the sidewalks with fences or otherwise provide safety for the occupants and the public.
- (b) *Published notice.* A copy of the notice must be published once in the official journal of the city and such publication satisfies notice to the property owner and all others with a vested interest in the property upon which the violation is found to occur.
- (c) After five (5) days of published notice, the city may then employ such labor, furnish such material, and take such steps as may be necessary to restore the premises to a safe condition. In this regard, the city may advertise bids that shall be submitted to the appropriate department for final disposition.

Secs. 16-133—16-140. - Reserved.

Division 6. – ~~Parking on Unimproved Surfaces~~ Garbage cans and vehicle storage.

~~Sec. 16-113. – Restrictions on parking when not on an all-weather surface.~~

~~Nothing herein shall be deemed to allow the stopping or parking of any vehicle in any area of the City if otherwise prohibited by any other provision of the Code or other applicable law, nor shall anything herein be deemed to~~

~~allow the placement of any all-weather surface on any lot when not allowed by the Code or other applicable law or without the proper permit(s).~~

- ~~(a) No person shall cause or allow any vehicle to be stopped or parked in the following locations and conditions:~~
- ~~(1) In the front or side corner yard of private property used for residential purposes or located in a residential zoning district; or~~
 - ~~(2) On any lot that does not have a principal structure, except when said vehicle is stopped or parked on a properly permitted all-weather surface.~~
- ~~(b) The prohibition set forth herein shall not apply:~~
- ~~(1) When a vehicle is stopped or parked for the temporary loading or unloading of persons or property; or~~
 - ~~(2) When a vehicle is stopped or parked in connection with a properly permitted special event or function, but for no longer than twenty four (24) hours; or the length time permitted in associated with the special event or function; or~~
 - ~~(3) When a vehicle is stopped or parked in connection with a properly permitted construction project.~~

Sec. 16-114. – Definitions.

For purposes of section 16-113:

- ~~(a) all-weather surface means concrete, hot-mix, asphaltic concrete, gravel, concrete or brick pavers, or some other improved surface as approved by the city engineer. For vacant or undeveloped lots or lots without a principal structure, in no event shall grass, dirt, clay, or sand be considered an all-weather surface; and~~
- ~~(b) vehicle means a car, truck, SUV, motorcycle, semi-truck, motorhome, RV, boat, trailer, travel trailer, fifth wheel, camper, ATV, golf cart, or similar means of transport, whether operable or not.~~

Sec. 16-141. - Purpose.

This division establishes definitions, minimum property standards, and abatement procedures to mitigate the negative effects of delayed trash can pick up and temporary vehicle storage on vacant lots, undeveloped lots, or lots without a principal structure in the city.

Sec. 16-142. - Declaration of nuisance.

- (a) **Garbage cans.** Garbage cans that remain on street or within the public right-of-way for extended periods of time are hereby declared a public nuisance because such trash containers can become obstacles for on-street pedestrian, bicycle, and vehicular traffic; promote a negative appearance for the community and how it is maintained; and—without limitation—may remain and collect in public spaces designed to intermittently and temporarily allow their placement, all of which undermines nearby property owner’s right to maintain their site in a predictable manner, and—when visible from the public right of way—can cause devaluation of neighboring properties impacted, as well as the corridor and community as a whole.
- (b) **Vehicle storage on vacant lots, undeveloped lots, or lots without a principal structure in the city.** Parking is an accessory land use activity except in the case where a lot is an approved off-street parking facility pursuant to the requirements of this Code. Parking of vehicles—including cars, trucks, SUVs, motorcycles, semi-trucks, motorhomes, RVs, boats, trailers, travel trailers, fifth wheels, campers, ATVs, golf carts, or similar means of transport, whether operable or not—on vacant property, undeveloped lots, or lots without a principal structure in the city, is hereby declared a public nuisance because such vehicles and equipment tend to block the view of other vehicles and children playing in these neighborhoods creating public safety issues, as well as negatively impact the aesthetics of corridors and the community.

Sec. 16-143. – Prohibition on private property.

- (a) **Garbage pickup, container retrieval and container storage; no dumpster provided.** To mitigate the detrimental effects of garbage cans visible and obstructing the right-of-way, where private property is maintained and garbage is collected within garbage containers or cans, not dumpsters, the following minimum property standards apply:
- (1) **Pickup.** All garbage containers must be placed near the on-street collection point no earlier than 3:00pm on the day proceeding the day upon which refuse collection is customarily made.
 - (2) **Retrieval.** All garbage containers must be removed from the collection point on the same day collection is made.
 - (3) **Storage.** Garbage containers must be stored within, adjacent to, or behind a structure, building, fence, landscaping, or other barrier that substantially screens the view of the garbage containers from the street or public right-of-way.
- (b) **Parking on vacant lots, undeveloped lots, or lots without a principal structure in the city prohibited.** It shall be unlawful for the owner of any vehicle—including cars, trucks, SUVs, motorcycles, semi-trucks, motorhomes, RVs, boats, trailers, travel trailers, fifth wheels, campers, ATVs, golf carts, or similar means of transport, whether operable or not—to park or leave standing such vehicle upon any vacant lot, undeveloped lot, or lot without a principal structure, except for approved off-street parking facilities and the following circumstances:
- (1) When a vehicle is stopped or parked for the temporary loading or unloading of persons or property; or
 - (2) When a vehicle is stopped or parked in connection with a properly permitted special event or function, but for no longer than twenty-four (24) hours; or the length time permitted in associated with the special event or function; or
 - (3) When a vehicle is stopped or parked in connection with a properly permitted construction project.

Sec. 16-144. – Inspection and notice requirements.

- (a) **Generally.** For the purposes of determining noncompliance of any garbage can or vehicle storage violation; code enforcement officers will inspect such conditions upon receipt of a complaint, record evidence of noncompliance, including a picture of the violation with both a time and date noted, and provide both posted notice to the property owner in furtherance of violation correction.
- (b) **On-site notification.** On site notification must be in a location both near to the violation, visible from the street, and include or address:
- (1) The date and time of posting or notice;
 - (2) The street address or other description of the property sufficient for property identification;
 - (3) The violation and requirement that the owner must correct the violation within a fixed number of hours or days from the date of posting. The time allowed shall depend on the nature of the violation and the time necessary to comply with the provisions of this subsection;
 - (4) Details regarding their right to an administrative hearing pursuant to this chapter and article, if and only if, a request for a hearing is made within five (5) days of the date of posting;
 - (5) Contact information for the city department posting the notice, and
 - (6) Statement that advises both:
 - i. Failure to correct the violation may result abatement by the city and that in such event, the property owner or occupant will be assessed for all removal and abatement costs.
 - ii. If the property owner fails to timely remove or store the garbage or vehicle, as applicable, and if the property owner receives a second on-site written notice by the Code Enforcement Division within five (5) days of the first notice, the Code Enforcement Division may abate and fine the owner or occupant for the alleged violation of this ordinance.

Sec. 16-145. – Penalties.

- (a) *In general.* The city reserves the right to seek penalties and/or remedies through civil and/or criminal means described herein.
- (b) *Garbage containers.* Garbage can violations subject the respondent(s) to civil penalties pursuant to the total number of adjudicated violations during 1 calendar year within the city by the property owner, as follows:
 - (1) First offense: \$25.00
 - (2) Second offense: \$50.00.
 - (3) Third offense and on: \$75.00
- (c) *Vehicle storage on vacant property.* Violations for illegal vehicle storage on vacant property subject the respondent(s) to civil penalties pursuant to the total number of adjudicated violations during 1 calendar year within the city by the property owner, as follows:
 - (1) First offense: \$100.00
 - (2) Second offense: \$200.00.
 - (3) Third offense and on: \$300.00

Secs. 16-146—16-155. - Reserved.

Recommendation No. 5

Reconcile administrative standards within Appendix A – Zoning, Part 3 – Administration and Enforcement to reflect civil hearings established in Chapter 2 – Administration.

PART II - CODE OF ORDINANCES

APPENDIX A - ZONING

PART 3. ADMINISTRATION AND ENFORCEMENT

Section 3.1. Administration and enforcement.

~~An administrative official designated by the mayor~~ **The departments of planning and buildings and safety are responsible for the administration and enforcement of this ordinance. He may be provided with the assistance of other city departments and procedures, as applicable and described in this Part. such other persons as the mayor may direct. Should authorized departments or their designated representatives find that any of the provisions of this ordinance are being violated, the department of buildings and safety is authorized to notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. Should the alleged violator elect to attend an administrative hearing, provisions for such hearing must be met as prescribed in Chapter 2, Article VI. - Code Enforcement by Administrative Adjudication, which support the city's quality of life, safety, and welfare.**

~~If the administrative official shall find that any of the provisions of this ordinance are being violated he shall notify in writing the persons responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of additions, alterations, or structural change thereto; discontinuance of any illegal work being done; or shall take other action authorized by law to ensure compliance with or to prevent violation of its provisions.~~

~~(Ord. No. 1846, 6-25-1985)~~

Cross reference(s)—Chapter 2 – Administration, Article VI. - Code Enforcement by Administrative Adjudication Chapter 16; Health and Sanitation, Article V. - Nuisances and on Private Property Standards.

Section 3.2. - Duties of administrative official, board of adjustment, city council, and ~~courts~~ administrative hearing officer on matters of appeal.

- (a) **Interpretation of development requests.** It is the intent of this ordinance that all questions of interpretation ~~and enforcement related to requests for a permit~~ shall be first presented to the administrative official and that such questions shall be presented to the board of adjustment only on appeal from the decision of the administrative official and that recourse from the decision of the board of adjustment shall be to ~~the courts as provided by law.~~ **the administrative hearing officer, as per Sec. 2-279.**
- (b) **Interpretation of alleged code violations.** **As per Sec. 2-279, when ordinance standards are unclear related to the interpretation of an alleged code violation, the administrative hearing officer will interpret the intent of the Code upon receipt of a recommendation by the Department of Building and Safety.**

Sec. 3.201 - Enforcing officer and building permit districts.

For the purpose of administering and enforcing this ordinance there is hereby created a department of permits. The chief of this department, who shall be appointed by the mayor, shall be charged with the responsibility of administering and enforcing the provisions of this ordinance.

(Ord. No. 1846, 6-25-1985)

Sec. 3.3. Permits and certificates.

- (a) **Building permits required:** No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the administrative official. Nor shall any manmade change begin on improved or unimproved real estate including, but not limited to, mining, dredging, filling, grading, paving excavations or drilling operations, without a permit therefor, issued by the administrative official.
- (b) **Variances.** No building permit shall be issued except in conformity with the provisions of this ordinance except after written ~~order~~ **approval** from the board of adjustments.

Sec. 3.301 - Application for building permits.

- (a) All applications for building permits shall be accompanied by plans in duplicate, drawn to a scale of not less than one-eighth inch to one foot, showing the actual dimensions and shape of the lot to be built upon; the exact size and location of the buildings already existing, if any; and for the location and dimensions of the proposed building or alteration.
- (b) The application shall include such other information as lawfully may be required by the administrative official including existing or proposed building or alteration; existing rental units the building is designated to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for enforcement of this ordinance.
- (c) One copy of the plans shall be returned to the applicant by the administrative official after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The second copy of the plans, similarly marked, shall be retained by the administrative official.

Sec. 3.302 - Certificates of occupancy for new, altered, or nonconforming uses.

- (a) It shall be unlawful to install permanent utilities in or to use or occupy or permit the use or occupancy of any part of any building or premises hereafter erected, created, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefor by the administrative official stating that the proposed use of this building or land conforms to the requirements of this ordinance.
- (b) No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a certificate of occupancy and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.
- (c) A temporary certificate of occupancy shall be issued for a period not exceeding six months, only in the case of an addition to an existing single-family residence. Then, and only then, may a temporary certificate be issued to allow occupancy while work is in progress, provided that all necessary precautions have, in the opinion of the building official, been taken to ensure safety to the occupants.

(d) The administrative official shall maintain a record of all certificates of occupancy, and copies shall be furnished upon the request to any person.

(e) Failure to obtain a certificate of occupancy shall be a violation of this ordinance, **processed in accordance with Sec. 4.3 of this Section.** ~~and punishable under section 3.4, violations.~~

Sec. 3.303 - Expiration of building permits; special building permits.

(a) If the work described in any building permit has not begun within 90 days from the date of issuance thereof, said permit shall expire and be cancelled by the administrative official, and written notice thereof shall be given to the persons affected.

(b) If the work described in any building permit has not been substantially completed within one year of the date of issuance thereof, said permit shall expire and be cancelled by the administrative official, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a special building permit has been obtained.

(Ord. No. 868, 12-14-1971; Ord. No. 1060, 2-28-1978; Ord. No. 1162, 4-24-1979)

Sec. 3.4. - Violations.

Sec. 3.401 - Complaints regarding violations.

Whenever a violation of this ordinance occurs or is alleged to have occurred, any persons may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the administrative official. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

Sec. 3.402 – Responsibility for compliance.

The owner or tenant of any building, structure, premises, or part thereof, any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation of this Code may each be cited for a separate violation of this Code. ~~found guilty of a separate offense and suffer the penalties herein provided.~~

Sec. 3.402 – Authority and procedures. ~~Penalties for violations.~~

(a) **Violations of this Appendix may be administratively adjudicated in accordance with procedures, fines, and standards set forth in Chapter 2, 13, and 16 of this Code; are declared civil violations punishable by a fines and penalties established in Chapter 1, Sec, 1-12. – General penalty (c); and are authorized in Chapter 2. – Administration, Article VI. - Code Enforcement by Administrative Adjudication, Sec. 2-277 (c) Extent of decision-making authority.**

(b) **Enforcement procedures and standards established in Chapter 16, Article V. - Nuisance on Private Property, Division 1. – In general, apply to the enforcement of violations within this Appendix.**

Sec. 3.403 - Notice requirements for zoning violations.

(a) **Generally.** For the purposes of determining noncompliance of any permit, zoning, or other violation of this Appendix; code enforcement officers will inspect such conditions, record evidence of noncompliance, including a picture of the violation with both the time and date noted, and provide both mailed and posted notice to the property owner in furtherance of violation correction.

(b) **On-site notification.** On site notification must be in a location both near to the violation, visible from the street, and contain required contents in subsection (d) below.

(c) **Mailed notice.** The city will send to the owner or occupant of the premises where the violation exists a letter containing required contents in subsection (d) below.

(d) **Required contents.** Both mailed and on-site notifications must include or address:

(1) **The date and time of posting or notice;**

- (2) **The violation and requirement that the owner must stop work immediately, as applicable;**
- (3) **Detail how the owner must correct the violation within ten (10) days of the date of posting;**
- (4) **Details regarding their right to an administrative hearing, if and only if, a request for a hearing is made within five (5) days of the date of notice;**
- (5) **Contact information for the city department posting the notice, and**
- (6) **Statement that advises failure to correct the violation or may result abatement by the city and that in such event, the owner or occupant shall be assessed for the costs of removal and abatement.**

~~Violations of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Any persons who violate this ordinance or fail to comply with any of its requirements shall upon conviction thereof be fined not less than \$50.00, nor more than \$500.00, or imprisoned for not more than 60 days, or both, and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.~~

~~Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.~~

~~When a person has deliberately commenced a project without a permit and it is a second violation of this ordinance by the offender, then the building official shall increase the building permit fee by 100 percent.~~

(Ord. No. 1760, 9-25-1984; Ord. No. 1846, 6-25-1985)

Section 3.5. Flood control.

No permit for any construction or development in any flood hazard area shall be issued until a development permit, as defined and regulated in chapter [15], article II of the Code of Ordinances, City of Slidell, Louisiana, has been issued by the administrator.

(Ord. No. 927, § 3, 11-6-1973; Ord. No. 1060, 2-28-1978; Ord. No. 1306, Art. VI, §§ A, C, 10-14-1980)