



City of Slidell, Louisiana
Planning Commission
Agenda

November 20, 2023 at 7:00pm

Council Chambers, 2045 2nd St, Slidell, LA

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

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



SCAN ME
for the
PC website

1. **Call to Order and Roll Call**
2. **Pledge of Allegiance**
3. **Minutes.** Approve minutes from October 16, 2023
4. **Public Hearing**
 - a. **S23-10:** A request for a Final Plat to subdivide three lots containing 0.376 acres, located at 1858 Fifth Street, identified as Lots 13 and 14, and a portion of Lot 12, into One Lot (12A).
 - b. **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.
 - c. **T23-05:** A request to repeal and replace Article II Flood Hazard Prevention, Chapter 15 – Floods of the City of Slidell Code of Ordinances.
 - d. **T23-06:** A request to create Appendix F – Fee Schedule, in the City of Slidell Code of Ordinances.
5. **Other Business**
 - a. Consideration of 2024 Meeting Calendar
6. **General and Public Comments**
7. **Adjournment**

The next Planning Commission meeting will be December 11, 2023.



City of Slidell, Louisiana
Planning Commission
Minutes

October 16, 2023 @ 7:00 p.m.

City Hall Meeting Room, 2055 2nd Street, Slidell, LA

1. **Call to Order and Roll Call.** Meeting called to order by Chair Reardon at 7:01 p.m.

Commissioners Present

Richard Reardon, Chair
Landon Washington, Vice Chair
Gayle Green
Eric Shives

Commissioners Not Present

Sandy Hicks
Lance Grant
Michael Newton

Staff Present

Danny McElMurray, Planning Director
Theresa Alexander, Planner
Erica Smith, Planning Secretary

2. **Pledge of Allegiance**

3. **Minutes.** Motion by Commissioner Shives to approve minutes of September 18, 2023 as written; Vice Chair Washington seconded. A vote of 4 YAYS, 0 NAYS, 0 ABSTAIN approved the minutes.

4. **Public Hearing**

- a. **A23-04:** A request to annex property located at the termination of Selbourn Ave on the northwest side of the street; identified as Lots 53, 54, and 55, Square 2, Central Park Subdivision, Section A; into the City of Slidell

Introduced by Chair Reardon. Walter and Shannon Ybos, property owners were present to discuss and answer any questions by the Commission. Director McElmurray presented the Staff Report, answered questions by the Commission, and recommended approval. Commissioner Shives made a motion to approve and forward to City Council, seconded by Vice Chair Washington. A vote of 4 YAYS, 0 NAYS, 0 ABSTAIN approved. **A23-04.**

5. **Other Business**

- a. None

6. **General and Public Comments.** There were none.

- a.

7. **Adjournment.** Meeting adjourned at 7:19 p.m. on motion by Commissioner Green, seconded by Commissioner Shives, and a vote of 4 YAYS, 0 NAYS, 0 ABSTAIN.

Location: 1858 Fifth Street (**Figure 1**)

Owner/Applicant: Samuel Scott Downs

Zoning: A-4 Transitional/Olde Towne
Preservation District

Future Land Use: Commercial

Request: A Resubdivision of Lots 13, 14, and
a Portion of Lot 12, INTO Lot 12A, Square 17,
Brugier Addition, Sec. 10, Township 9 S,
Range 14 E

Planning Commission: November 20, 2023

Staff Recommendation

Approval



Figure 1. Location map

Findings

1. The petitioned property is developed land with an existing single-family home at the southwest corner of the property (**Figure 2**). It is zoned A-4.
2. The applicant proposes to combine the 3 lots into one lot (Lot 12A) (**Figure 3**).
3. Subject property is currently zoned A-4. The applicant has a concurrent request to rezone the property from A-4 to C-1 Fremaux Avenue Business District (Z23-09). The rezoning request is in unison with the Future Land Use Map. (**Figure 4**)
4. The C-1 zoning district does not require minimum lot sizes unless the property is used for a dwelling. If this property were used for a dwelling, it would meet the minimum lot area and width (Table 1).
5. There are two structures on the property: a single-family residence (Circa 1900), and a detached garage (Circa 1925). Both structures will meet the setback requirements as outlined in Table 1.
6. The proposed Lot 12A currently has access to public water and sewer (**Figure 5**).
7. The property is in a special flood hazard area, in flood zone AE EL 11. The ground has an elevation of approximately 5.6 feet. Combining the subject property into one larger lot would make any new development of the property easier given the necessary elevation and grade changes to meet base flood elevation.
8. The Planning Department recommends approval.

Table 1. Dimensions of Current and Proposed Lots, and Zoning District

Lots Zoning		Fronting Street	Width (ft.)	Area (sq. ft.)
Lot 14		Fremaux Ave	50 ft	5,500
Lot 13		Fremaux Ave	50	5,500
Portion of Lot 12		Fremaux Ave	50*	5,376
Lot 12A		Fifth Street	110.00	16,376
**	Commercial Use	N/A	75	None
A-4	Residential Use	N/A	75	7,500 min
C-1	Commercial Use	N/A	None	None
	Residential Use	N/A	20	6,000

* Width of Lot 12 Varies along Fremaux Ave due to DOTD expansion.
 ** Current zoning of property is A-4. Rezoning to C-1 running concurrent with this subdivision request.

Figures

Figure 2: Property Current Conditions



GENERAL NOTES

THE LOCATIONS OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVEGROUND STRUCTURES AND RECORD DRAWINGS PROVIDED THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES OR STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES OR STRUCTURES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROGRESS OF THIS SURVEY TO LOCATE BURIED UTILITIES OR STRUCTURES.

I HAVE CONSULTED THE FLOOD INSURANCE RATE MAPS AND FOUND THIS PROPERTY IS IN A SPECIAL FLOOD HAZARD AREA. F.I.R.M. COMMUNITY MAP NO. 220204_0010_C, DATED: 04/21/1999. FLOOD ZONE: AE; BASE FLOOD ELEVATION: 9.0'.

REFERENCES:
1.) RE-SUBDIVISION PLAT BY MANDLE - EDWARDS SURVEYING, INC. DATED 04/15/2004.
2.) RE-SUBDIVISION PLAT BY LESTER MARTIN JR. DATED 09/20/2021.

ZONING: A4 TRANSITIONAL

Area regulations in the A-4 district are as follows:

(1)Yard:(a)Front yard: Front building lines shall conform to the average building lines in a developed block but in no case shall it be less than 20 feet. On through lots this minimum depth shall be provided on both streets.(b)Side yard: There shall be two side yards, one on each side of the building, having a minimum width of five feet each. However, this regulation shall not be so interpreted as to reduce the buildable width of any lot existing before the adoption of this ordinance to less than 24 feet. On corner lots the necessary reduction shall be on the side yard not abutting the street.(c)Rear yard: There shall be a rear yard having a depth of not less than 20 percent of the depth of the lot; provided, however, that the depth of the required rear yard shall not be less than 25 feet and need not exceed 50 feet.(d)See section 1.4.(e)Section 2.201(2)(c) applies.(f)Section 2.207 applies.(2)Lot size:(a)There shall be a lot width of a minimum of 75 feet at the building line (see 10.1).(b)Every lot shall contain an area of not less than 7,500 square feet. Where more than one family occupies the same building, an additional 750 square feet per family is required.

NOTE: BEARINGS SHOWN REFER TO THE LOUISIANA STATE PLANE COORDINATE SYSTEM (LOUISIANA SOUTH 1702 - NAD83) BASED ON GPS RTN TIES ACCESSED ON 10/18/2023.

Legal Description of Lot 12A:

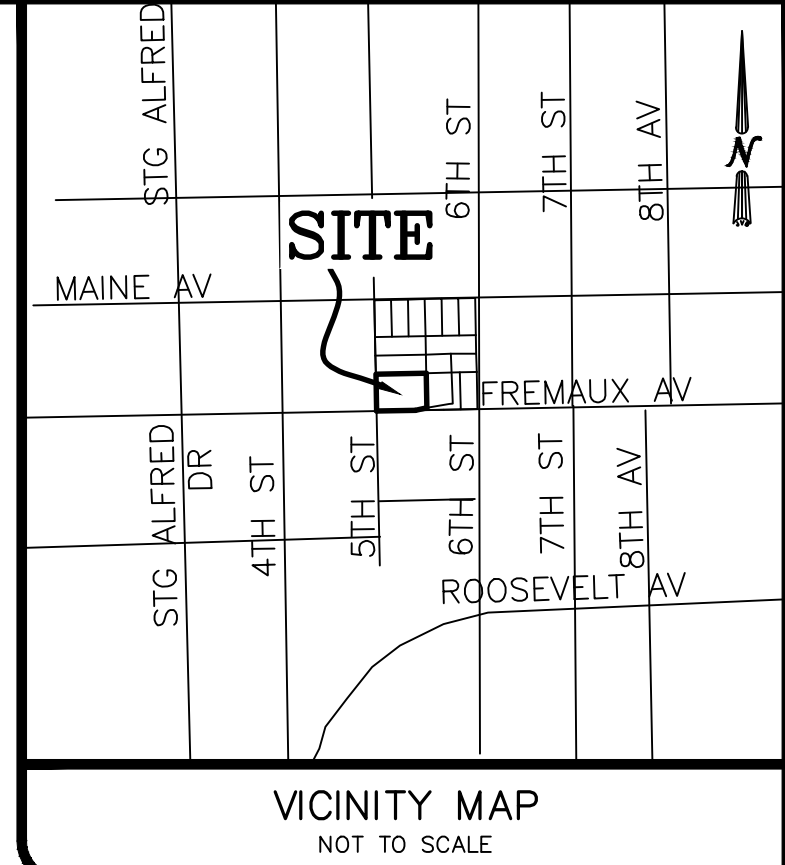
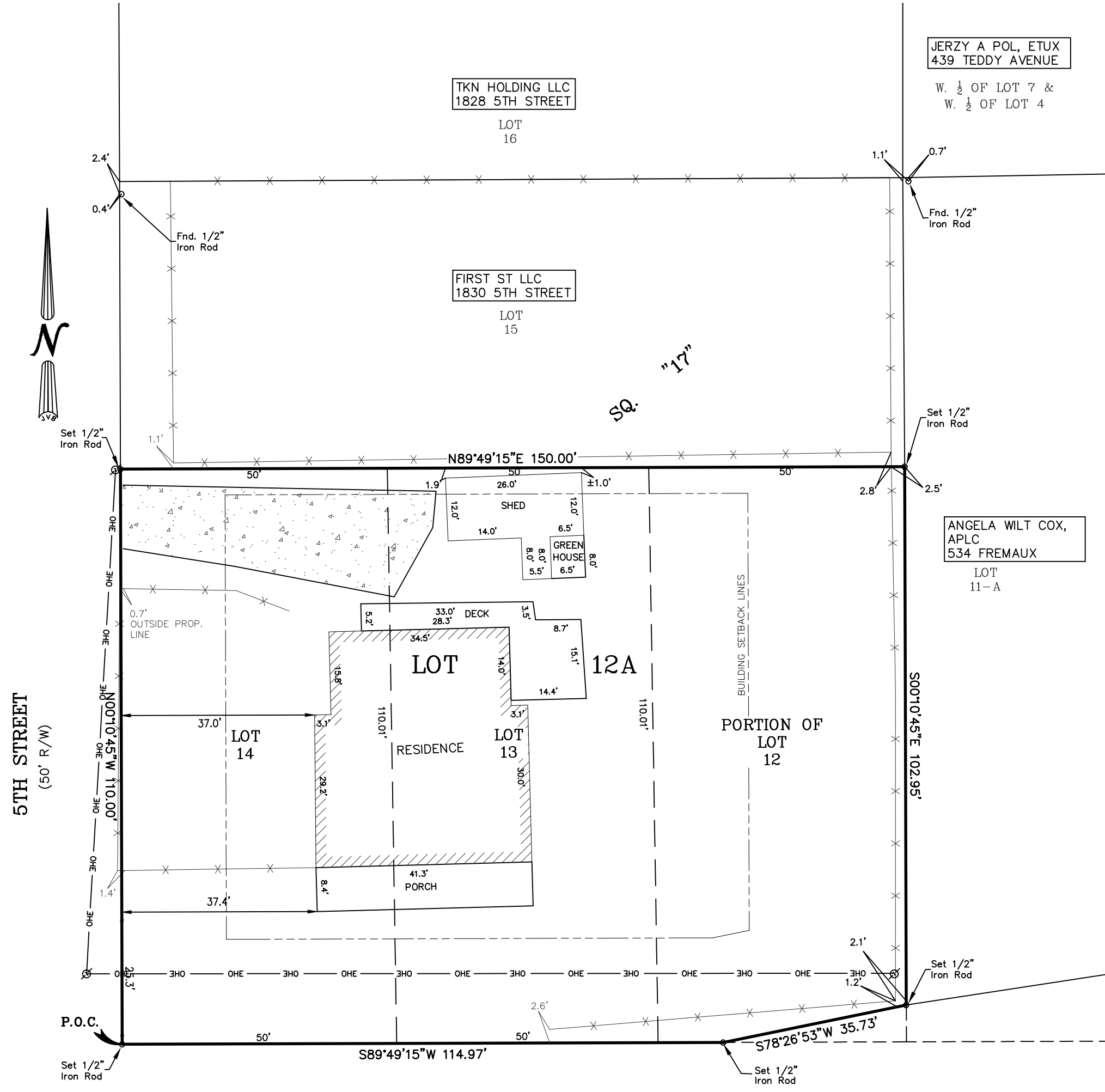
A certain parcel of land, lying and situated in Section 10, Township 9 South, Range 14 East, Greensburg Land District, City of Slidell, Saint Tammany Parish, Louisiana and being more fully described as follows.

Commence from a 1/2" iron rod set at the intersection of the easterly right of way line of 5th Street and the northerly right of way line of Fremaux Avenue run along said easterly right of way line of 5th Street North 00 Degrees 10 Minutes 45 Seconds West a distance of 110.00 feet to a 1/2" iron rod set; Thence leaving said easterly right of way line of 5th Street run North 89 Degrees 49 Minutes 15 Seconds East a distance of 150.00 feet to a 1/2" iron rod set; Thence run South 00 Degrees 10 Minutes 45 Seconds East a distance of 102.95 feet to a 1/2" iron rod set on the northerly right of way line of Fremaux Avenue; Thence run along said northerly right of way line of Fremaux Avenue South 79 Degrees 26 Minutes 53 Seconds West a distance of 35.73 feet to a 1/2" iron rod set; Thence run South 89 Degrees 49 Minutes 15 Seconds West a distance of 114.97 feet and back to the Point of Commencement.

Said Lot 12A contains 0.376 acres of land more or less, lying and situated in Section 10, Township 9 South, Range 14 East, Greensburg Land District, City of Slidell, Saint Tammany Parish, Louisiana.

LEGEND

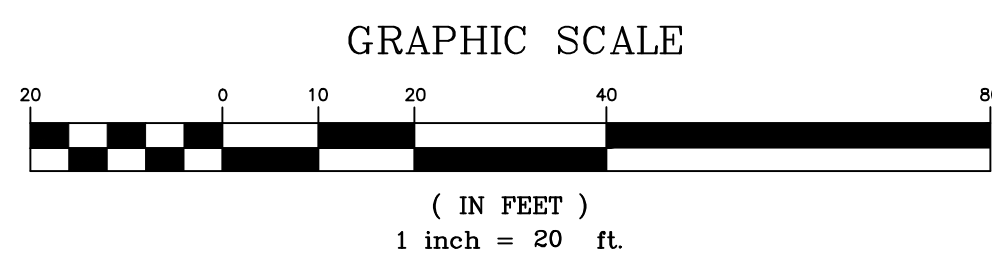
- ⊙ --- S --- SEWER MANHOLE, SEWER LINE
- ⊙ --- W --- WATER MANHOLE, WATER LINE
- ⊙ --- G --- GAS MANHOLE, GAS LINE
- ⊙ --- T --- TELE. MANHOLE, TELE. LINE
- ⊙ --- D --- DRAIN MANHOLE, DRAIN LINE
- ⊙ --- DI --- DRAIN INLET, DRAIN LINE
- ⊙ --- E T TV --- POWER POLE / OVERHEAD LINES ELECTRIC, TELEPHONE, CABLE TV
- ⊙ --- E T TV --- ELEC. TOWER / OVERHEAD LINES
- ⊙ --- C --- CATCH BASIN
- ⊙ --- L --- LIGHT STANDARD
- ⊙ --- TRLT --- TRAFFIC LIGHT
- ⊙ --- P --- TELE., ELEC., CATV PEDESTAL
- ⊙ --- M --- GAS, WATER, ELECTRIC METER
- ⊙ --- V --- GAS, WATER VALVE
- ⊙ --- S --- SEWER, DRAIN CLEANOUT
- ⊙ --- F --- FIRE HYDRANT
- ⊙ --- A --- GUY WIRE ANCHOR
- ⊙ --- S --- SIGN
- ⊙ --- P --- PYLON
- ⊙ --- MB --- MAILBOX
- ⊙ --- T --- TREE
- ⊙ --- S --- SHRUB
- ⊙ --- F --- FENCE



APPROVED:

CHAIRMAN OF PLANNING COMMISSION	DATE
MAYOR	DATE
PRESIDENT OF CITY COUNCIL	DATE
CLERK OF COURT	DATE
MAP FILE NO.	DATE FILED
OWNER/AGENT	DATE

TOTAL AREA: 16,376.59 SQ. FT. OR 0.376 ACRES



CERTIFICATION

I CERTIFY THAT THIS PLAT DOES REPRESENT AN ACTUAL GROUND SURVEY AND THAT TO THE BEST OF MY KNOWLEDGE NO ENCROACHMENTS EXIST EITHER WAY ACROSS ANY OF THE PROPERTY LINES, EXCEPT AS SHOWN. ENCUMBRANCES SHOWN HEREON ARE NOT NECESSARILY EXCLUSIVE. ENCUMBRANCES OF RECORD AS SHOWN ON TITLE OPINION OR TITLE POLICY WILL BE ADDED HERETO UPON REQUEST. AS SURVEYOR HAS NOT PERFORMED ANY TITLE SEARCH OR ABSTRACT.

PROPERTY IS SURVEYED IN ACCORDANCE WITH THE LOUISIANA "STANDARDS OF PRACTICE FOR PROPERTY BOUNDARY SURVEYS" FOR A CLASS C SURVEY. BEARINGS ARE BASED ON RECORD BEARINGS UNLESS NOTED OTHERWISE.

J.V. Burkes & Associates, Inc.
SURVEYING ENGINEERING • ENVIRONMENTAL
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Slidell, Louisiana 70458
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Phone: 985-649-0075 Fax: 985-649-0154

SEAN M. BURKES
LA REG. NO. 4785

SCOTT DOWNS

A RESUBDIVISION PLAT OF LOTS 14 13, & A PORTION OF LOT 12A, SQ. 17, BRUGIER ADDITION IN SEC. T-10-S, R-14-E, GLD, CITY OF SLIDELL, ST. TAMMANY PARISH, LOUISIANA

DECLARATION IS MADE TO ORIGINAL PURCHASER OF THE SURVEY. IT IS NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL OF SURVEYOR.

SCALE: 1" = 20'
DATE: 10-18-2023
DRAWN BY: VLL CHECKED BY: JDL
DWG. NO. 20230420
SHEET 1 OF 1

Figure 3: City of Slidell Zoning and Future Land Use Map

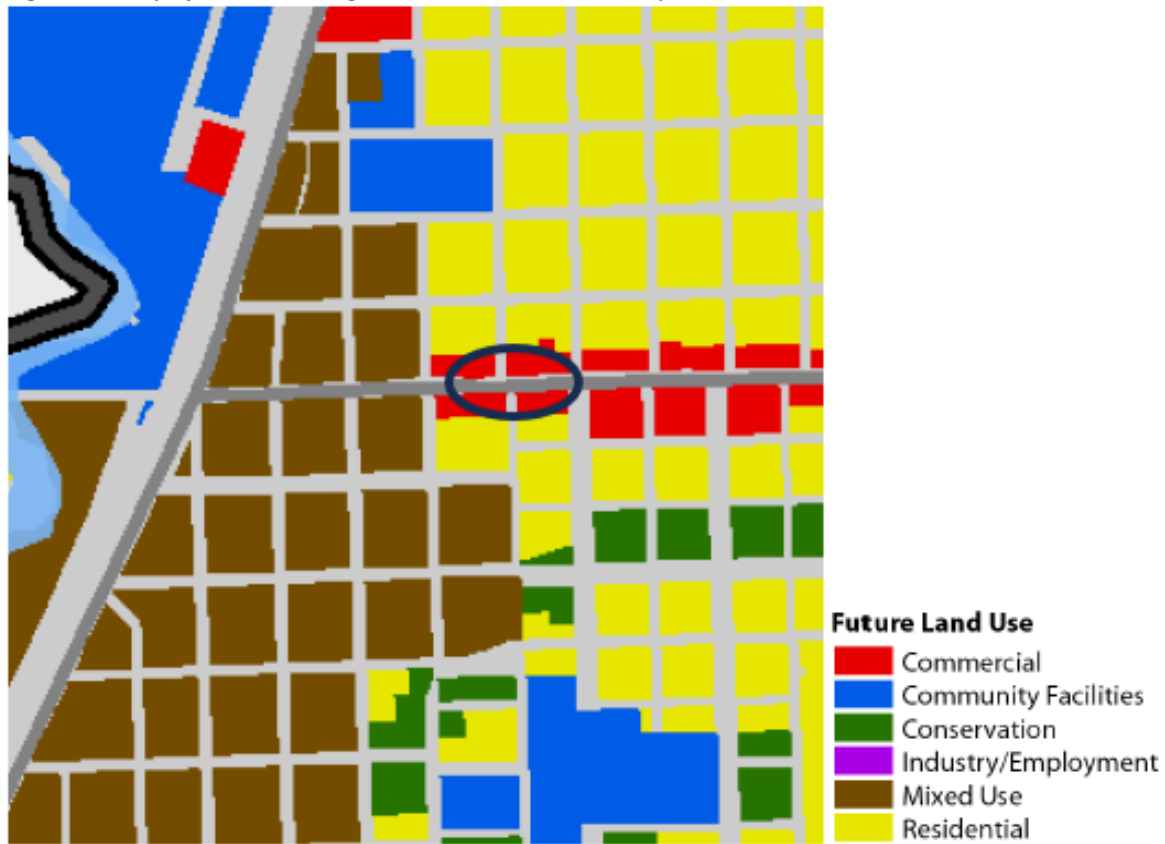
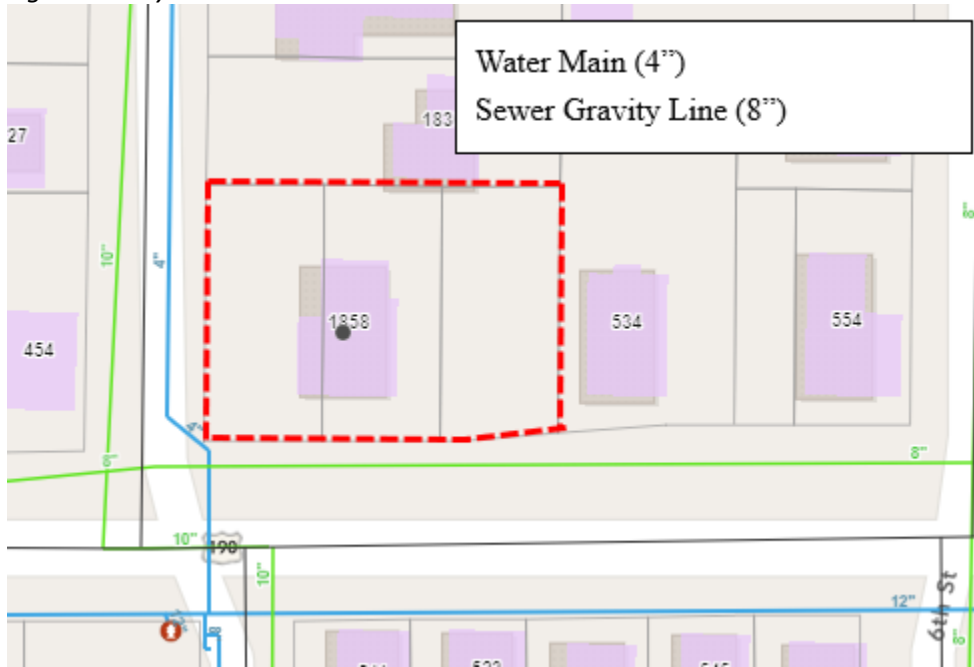


Figure 5: City Utilities



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	
Weeds, noxious accumulations, litter, and junk	
Graffiti and unsafe signs	No standard
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.

* * *

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)



Planning Department

Staff Report
Case No. T23-05
Text Amendment
Chapter 15 Flood Ordinance Revision

985.646.4320 | 250 Bouscaren St, Ste 203, Slidell, LA 70458 | planningdept@cityofslidell.org | myslidell.com

Petitioner(s): Administration.

recommends changes to freeboard and fill requirements.

Zoning: All Districts.

Location: Citywide.

Future Land Use: N/A.

Planning & Zoning Commissions

Consent Agenda: N/A.

Public Hearing: November 20, 2023.

Request: Repeal and replace Article II, Flood Hazard Prevention, Chapter 15 Floods with a revised version that addresses comments from a Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP) Community Assistance Visit (CAV) and

City Council (tentative)

Consent Agenda: November 28, 2023

Public Hearing: TBD

STAFF RECOMMENDATION: Repeal and replace Article II Flood Hazard Prevention, Chapter 15– Floods of the City of Slidell code of ordinances with the revised version in attachment 1.

PURPOSE. Revise City of Slidell Code of Ordinances, Chapter 15 Floods, Article II Flood Hazard Prevention to:

- A. Address comments from the FEMA Region 6 NFIP CAV held on June 6, 2023.
- B. Clarify references and use of the Flood Insurance Studies (FIS) and accompanying Flood Insurance Rate Maps (FIRMS) by
 - 1) Adopting the St. Tammany Parish, Louisiana and Incorporated Areas Volume 1 of 1, FIS Number 22103CV000A for areas east of I-10 and south of U.S. Highway 190 Business 190,
 - 2) Adopting the City of Slidell, St. Tammany Parish FIS number 220204 dated April 21, 1999 for the remainder of the city, and
 - 3) Revoking adoption of the post Katrina Advisory Based Flood Elevations (ABFEs) adopted in February 2006.
- C. Adopt a standardized freeboard requirement of 2.0’ above Base Flood Elevation (BFE).
- D. Remove restrictions on fill in the Special Flood Hazard Area (SFHA).
- E. Clarify language regarding fill.
- F. Create a Floodplain Management Appeal Board to hear and decide on variances from floodplain management regulations and to hear and decide on appeals of floodplain management decisions by the City’s Administration.
- G. Update the language and style to make regulations easier to read, understand, and comply with.

FINDINGS

- A. *NFIP and Floodplain Regulations.*
 - 1) In 1966 the City of Slidell adopted Chapter 15 – Floods to its code of ordinances. Chapter 15 regulates activities in the City’s Special Flood Hazard Area (SFHA), also referred to as the “floodplain”. Because the City of Slidell regulates development in its SFHA it was eligible to

- join the NFIP. Membership in the NFIP enables residents and business owners to qualify for flood insurance policies offered by the NFIP. The main requirements to joining the NFIP are:
- a) Adopt and enforce floodplain regulations based on federal floodplain regulations contained in 44 CFR (Code of Federal Regulations) Emergency Management and Assistance, Sections 59.1 to 60.26.
 - b) Adopt the FEMA produced Flood Insurance Study (FIS) for the City of Slidell. The FIS includes the Flood Insurance Rate Maps (FIRM) which identify the BFE for the City. The City has adopted three different types of FIRMs.
 - i. Effective FIRM. The City of Slidell adopted its current FIRMs on April 21, 1999. The April 1999 FIRMs were based on modelling and mapping of the existing floodplain.
 - ii. Advisory Base Flood Elevation (ABFE). Post Hurricane Katrina FEMA produced advisory maps recommended higher BFE for the southern part of the city based on Hurricane Katrina flooding high water marks and modelling. The City adopted the ABFEs in February of 2006.
 - iii. Preliminary FIS. In 2008, FEMA provided a new proposed FIS, with associated FIRMs, for the City's consideration and adoption. The City has appealed these FIRMs, contending that the modeling the maps are based on is not accurate. The City did adopt the preliminary FIRM for the area east of I-10 and south of US Hwy 190B.
 - c) Undergo periodic FEMA conducted CAVs to ensure the community is continuing to enforce the floodplain regulations.
- 2) On July 13, 2021 the City amended Chapter 15- Floods to provide additional requirements for freeboard and fill.¹
- a) Freeboard. Freeboard is additional elevation above the FIRM recommended BFE. The Freeboard elevation set by the community is referred to as the Design Flood Elevation (DFE). The current state requirement for Freeboard is 1.0' above the community adopted Effective FIRM BFE. The City's adopted DFE varies.²
 - i. South of Fremaux Ave = ABFE + 2.0'.³
 - ii. North of Fremaux Ave = Effective FIRM BFE + 2.0'
 - iii. East of I-10 south of Shortcut Hwy (U.S. Hwy 190B) = Preliminary Flood Insurance Rate Map + 2.0'
 - b) Fill. The City requires "...all fill ... be offset with compensatory storage equal to the volume of fill. The compensatory storage may be located on the same property as the fill and shall be located such that it shall have unrestricted hydraulic connection to the same reach of the waterway or waterbody as the location where the fill was placed."⁴
- 3) Community Rating System (CRS). The NFIP provides communities the opportunity to reduce flood insurance premiums by participating in the CRS program. The CRS program awards points for establishing regulations and requiring actions that are above and beyond the minimum NFIP standards. The more points the City earns, the lower the premiums. The City of Slidell is currently rated as a Class 6, one of the best in the state, which equates to a 20% discount on all NFIP policies issued in the community, to include City policies on City property.

¹ City of Slidell Ordinance 4038 adopted July 13, 2021.

² City of Slidell Code of Ordinances, Chapter 15 – Floods, Article II, Section 15-26. – Basis for establishing areas of special flood hazard.

³ After Katrina FEMA developed Advisory Base Flood Elevation (ABFE) maps for areas affected, which covered the southern part of Slidell, generally south of Fremaux Ave and West Hall Ave. In 2008 the City of Slidell adopted the ABFE. The ABFE are generally 1.0' higher than the Base Flood Elevations (BFE) on the City's Flood Insurance Rate map (FIRM).

⁴ City of Slidell Code of Ordinances, Chapter 15 – Floods, Article II, Section 15-33. – General construction requirements, subsection (b)(11).

- The City is currently earning CRS points for its fill (122.2 pts) and freeboard (157.5) requirements (Attachment 2).
- B. *NFIP CAV*. On June 6, 2023 FEMA Region 6 conducted a NFIP CAV to review the City's compliance with Floodplain management regulations. The CAV identified eight areas in the City's Floodplain regulations that require revision (Attachments 2 and 3). The eight areas are:
- 1) Include language that the cites statutory authority for regulating land use to comply with 44 CFR § 59.22(a)(2).
 - 2) Create, include, and adjust all definitions to comply with 44 CFR § 59.1. Evaluator separately provided a model ordinance with required definitions.
 - 3) Create and include an abrogation and greater restriction section.
 - 4) Create and include a severability section.
 - 5) Adjust language in Sec. 15-30 to include reviewing all permit applications to determine whether proposed building sites will be "reasonably safe from flooding" to comply with requirements of 44 CFR § 60.3(a)(3).
 - 6) Adjust language in Sec. 15-30(b)(5) to replace "the state department of environmental quality" with "State Coordinating Agency", which is the Louisiana Department of Transportation and Development."
 - 7) Adjust language in Sec. 15-34(2) to adopt 1 foot of freeboard for the elevation and floodproofing of non-residential structures in accordance with the state of Louisiana' newly adopted building codes.
 - 8) Adjust language in Sec. 15-33(b)(9) to resolve conflicting language requiring elevations be obtained for the bottom of the lowest horizontal structure for all new structures or substantially improved structures.
- C. *Fill and Freeboard requirements*. On September 11, 2023 the Mayor approved sending an amendment to the City Council to change the fill and freeboard requirement to make it easier for development in the SFHA while still retaining the City's Class 6 CRS status.
- 1) Proposed change to Freeboard. The new freeboard proposal would set elevation requirement as 2.0' above BFE on the adopted FIRM, city-wide.
 - 2) Proposed change to fill. The new fill proposal would remove the compensatory storage requirement and allow fill throughout the SFHA up to an elevation necessary to meet the higher of either the City's DFE or 2.0' above the centerline of the adjacent public street.
- D. *Staff interviews*. As part of developing a revised Chapter 15– Floods, Desire Line staff interviewed the key staff members overseeing City programs for water management, to include the Floodplain Administrator and the staff member responsible for the City's Municipal Separate Storm Sewer System (MS4) permit activities.
- 1) Engineer Staff meeting on September 27, 2023. The Engineering Department identified the following items that needed correction, update, or clarification.
 - a) Clarify how the City's system of permits meets the Floodplain regulations requirement for "...permits for all proposed construction or other development" to determine whether proposed building sites will be reasonably safe from flooding."⁵
 - b) Clarify, and if not needed, remove requirements for all "exterior" foundations and swimming pools to be elevated at least 2.0' above center line of street.
 - c) Clarify definition of fill and move element of a fill plan from definitions to the section on fill.
 - d) Clarify the definition of fill in regard to what can be used as fill.

⁵ 44 CFR, Section 60.3(a) (1) and (3).

- 2) Floodplain Administrator and Director of Building Safety meeting on October 5, 2023. The Floodplain Administrator and Director of Building Safety identified the following items that need correction, update, or clarification.
 - a) Remove requirement for a Louisiana Licensed Engineer to provide stamped plans for residential accessory structures less than 600 sq ft in size. Require the excepted accessory structure foundations comply with the appropriate requirements in the International Building Code, International Residential Code, and American Society of Civil Engineers (ASCE) 24-14 Flood Resistant Design and Construction.
 - b) Change requirement that the Planning Commission hear and approve variances and appeals and instead create a new Floodplain Management Board of Appeals. The Board of Appeals comprised of four members who are employees of the City knowledgeable in floodplain and stormwater management.
- E. Correct clerical errors and improve readability. Revising Chapter 15 offers the opportunity to correct various clerical errors and improve the flow and readability of the chapter.
 - 1) Standardizing numbering and lettering of subsections. The method of numbering and lettering subsections varies between sections and revising the chapter provides an opportunity to standardize the method used.
 - 2) Renumbering of sections and subsections. The revisions and amendments will require the insertion of new sections and moving around other sections, which will require general renumbering and lettering of sections and subsections throughout the chapter.
 - 3) Staff identified a number of clerical errors, awkward or unclear language, and incorrect or outdated terminology that needs correcting or updating.

ANALYSIS

A. *NFIP CAV.*

- 1) Analysis. FEMA Region 6 evaluators identified areas that need to be updated, corrected, or added to bring Chapter 15 – Floods into compliance with federal floodplain regulations (Attachment 2). The evaluators also identified areas that they recommended be included in Chapter 15, specifically standards for AH, AO, and V flood zones. Neither the Effective FIS nor the Preliminary FIS identify any AH, AO, or V zones within the City limits. Adding the construction and elevation requirements for these zones would lengthen the chapter with detailed regulations that would not apply to any area or development currently in the city.
- 2) Conclusion. The City must bring its Floodplain regulations into compliance with current federal regulations to maintain membership in NFIP. The City does not need to add regulations for zones not identified in its Effective or Preliminary FISs.
- 3) Action. The proposed revision to Chapter 15:
 - a) Includes regulations for the areas FEMA Region 6 identified as “required” to comply with federal regulations.
 - b) Does not include areas FEMA Region 6 recommended but did not require, specifically regulations for zones AH, AO, or V.

B. *Freeboard.*

- 1) Analysis. The current freeboard requirement is confusing, even for floodplain management professionals. The City uses three different maps -Effective, ABFE, and Preliminary – all of which are based on different models. The intent, though not directly stated, appears to be to require 2.0’ of freeboard. Current CRS points awarded to the City for Freeboard are only providing credit for 2.0’ of freeboard, even though the effective freeboard for majority of the southern part of the City is 3.0’.⁶

⁶ FEMA Region 6 CRS Cycle visit dated

- 2) Conclusion. Setting the freeboard requirement at 2.0' above BFE city-wide would provide one easy to determine standard that would still provide sufficient Freeboard to protect residential and non-residential structures. The change to a standardized 2.0' of Freeboard above BFE would not affect the City's CRS score because the City is only getting credit for 2.0' of freeboard based on its last CRS Verification visit.
- 3) Action. The proposed revised Chapter 15 – Floods sets one city-wide freeboard standard of 2.0' above the BFE.

C. *Fill.*

- 1) Analysis. The City's current requirement for fill is confusing even for professional floodplain managers to understand and apply and is an impediment to reasonable development (see italicized text below).

“All fill must be offset with compensatory storage equal to the volume of fill. The compensatory storage may be located on the same property as the fill and ***shall be located*** such that it ***shall have unrestricted hydraulic connection to the same reach of the waterway or waterbody as the location where the fill was placed.***”⁷

- 2) The concept of requiring compensatory fill from the same waterway/watershed is a good practice for many locations but not a practical one for the City of Slidell. Waterways/watersheds in the City's jurisdiction are not that extensive and are mostly built out, leaving little opportunity to acquire fill from within them. With limited space to work with and a number of other requirements that require space - parking, landscaping, ADA requirements, etc... - allocating space for compensatory storage often makes a project infeasible. This limited availability has proven to be an impediment to new development and the redevelopment and return to commerce of distressed properties.⁸
- 3) Elimination of fill restrictions while retaining a 2.0 freeboard requirement would cause the loss of 138 CRS points. However, the City would still retain sufficient points to remain a Class 6 and retain the 20% discount. As the scoring of some elements of CRS can be subjective, the Mayor directed that the City pursue credit in other CRS activities to offset the loss of any points from removing fill restrictions.
- 4) Conclusion. The requirement for compensatory fill, while laudable, is not practical given the City's historic development pattern. Removing the requirement will afford opportunity for development and redevelopment of properties in the more built out and distressed areas of southern Slidell. The resulting loss of CRS points should not change the City's CRS rating, and there are other activities the City can pursue that could compensate for any loss of points.
- 5) Action. The proposed revised Chapter 15 – Floods removes the requirement for compensatory storage. The revision limits fill to an amount sufficient to meet the City's DFE or 2.0' above centerline of the adjacent street, whichever is higher.

D. *Floodplain Management Board of Appeals.*

- 1) Analysis.

The current section on Variances (Sec 15- 35) assigns the Planning Commission responsibility for hearing and deciding upon variances and appeals. Using the Planning Commission was likely the best option when Chapter 15 – Floods was adopted in 1966. However, today the Planning Commission is not a good solution. The Planning Commission does not hear zoning

⁷ City of Slidell Code of Ordinances, Chapter 15 – Floods, Article II, Section 15-33. – General construction requirements, subsection (b)(11).

⁸ Comments by Mayor, CAO, Director of Engineering, Assistant Director of Engineering, Director or Building Safety, and Chief Building Official/Floodplain Administrator.

variances, and the Commissioners have no experience or training in floodplain management regulations, which can be very complex. The City's Board of Adjustments (BOA) does hear and decide zoning variances, but its members do not have training or experience in floodplain management issues.

The federal floodplain regulations, do not specify how floodplain management variances and appeals are determined only requiring that "The community, after examining the applicant's hardships, shall approve or disapprove the request."⁹ As a result, some communities have created Floodplain Management Board of Appeals consisting of community employees who have training and experience in floodplain and stormwater management.

- 2) Conclusion. Neither the Planning Commission nor the Board of Adjustment are an appropriate body to decide on floodplain management variances and appeals because they lack training and experience in floodplain regulations. Creating a Floodplain Management Board of Appeals comprised of City employees with experience and training in floodplain and stormwater management is a more practical and effective method of hearing and deciding on floodplain management variances and appeals.
 - 3) Action. The proposed revision to Chapter 15 – Floods creates a Floodplain Management Board of Appeals consisting of four City employees who work in floodplain and stormwater management:
 - a) Chief Administrative Officer
 - b) Director of Engineering
 - c) Director of Planning
 - d) Director of Building Safety
- E. Clerical errors and readability.
- 1) Analysis. The original Flood Prevention chapter was adopted in 1966, before the Flood Control Act of 1968, the baseline for federal floodplain regulations; before the first FIRMs were developed; and before the City expanded outward to include multiple watersheds with differing flood threats. Over time, parts of Chapter 15 have been amended to stay relevant while other parts have not. The result is a lack of coherence, outdated terms and concepts, and an inconsistent format. The revisions being required by NFIP CAV and the adjustments to fill, freeboard, and variance sections provide an opportunity to update terms and concepts, correct errors, and improve readability.
 - 2) Conclusion. Revisions to Chapter 15 afford an opportunity to correct clerical errors and improve the organization, standardization, and readability of the regulations.
 - 3) Action: The proposed revision of Chapter 15 – Floods reorganizes the sequence of the sections, standardizes the lettering and numbering of subsections, replaces outdated terms and concepts with current usage, and corrects noted clerical errors.

RECOMMENDATION

Repeal and replace Article II Flood Hazard Prevention, Chapter 15– Floods of the City of Slidell Code of Ordinances with the revised version at attachment 1.

ATTACHMENTS

1. T23-05 Text Amendment Ch 15 Flood Ordinance

⁹ 44 CFR, Section 60.5 (a).

EXHIBIT A

PROPOSED

CODE

AMENDMENT

Ch 15 - Floods

Exhibit A includes draft language, where:

1. **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.

Chapter 15 - FLOODS^[1]

Footnotes:

--- (1) ---

Cross reference— *Buildings and building regulations, ch. 7; drainage, § 7-206 et seq.; environment, ch. 13; health and sanitation, ch. 16; planning, ch. 22; streets, sidewalks and other public places, ch. 25; excessive speeding under flooding, hazardous or abnormal conditions, § 27-52; utilities, ch. 28; zoning, app. A; subdivision regulations, app. B.*

State Law reference— *Flood control, R.S. 38:81 et seq.; compliance with federal flood insurance act, R.S. 38:84.*

ARTICLE I. - IN GENERAL

Secs. 15-1—15-20. - Reserved.

ARTICLE II. – FLOOD HAZARD PREVENTION

~~[entirety of existing text from Sec. 15-21 to end of chapter through Sec. 15-38. -- Reserved].~~

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Sec. 15-28 - Requirement of a permit for development within the Special Flood Hazard Area (SFHA)

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Sec. 15-39 - Recreational vehicles.

Sec. 15-40 - Private retention/detention pond maintenance required.

Sec. 15-41 - Penalties for noncompliance.

Sec. 15-42 - Severability.

Sec 15-21 Statutory Authority.

Louisiana Revised Statute (LA RS) 33:84 grants municipalities the authority to comply with the National Flood Insurance Act of 1968, 42 USC 4001 et seq. and authorizes municipalities to adopt such ordinances, rules, and regulations, including zoning and lands use regulations, as are necessary to comply with the Act. Therefore, in order to meet its responsibilities to ensure that people and property are reasonable safe from flooding, the City of Slidell, Louisiana does ordain as follows.

Sec. 15-22-. - Findings of fact.

- (1) The flood hazard areas of the city are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Code 1966, § 7-2021)

Sec. 15-23. - Methods of reducing flood losses.

It is the purpose of this article to promote the public health, safety and general welfare and minimize public harm and private losses in special flood hazard areas with provisions designed to:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control, in the sense of providing authoritative guidance, the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
- (5) Control, in the sense of providing authoritative guidance, development which would cause greater erosion or potential flood damage, such as grading, dredging and excavation.

(Code 1966, § 7-22)

Sec. 15-24. - Objectives.

The objectives of this article are to:

- (1) Protect human life and property exposed to the hazards of flooding;
- (2) Ensure that potential property owners are notified if property is a area of special flood hazard (SFHA);
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in special flood hazard areas;
- (6) Minimize the impact of flooding on critical actions and critical facilities.
- (7) Minimize expenditure of future public money for costly flood control projects.

(Code 1966, § 7-23)

Sec. 15-25. - Definitions.

The following words, terms and phrases, when used in this article, shall be interpreted to give them the meaning they have in common usage and to give this ordinance its most

reasonable application. Definitions are from 44 CFR Emergency Management and Assistance, Section 59.1 unless otherwise noted.

Accessory Structure means structures that are on the same parcel of property as a principal structure, the use of which is incidental to the use of the principal structure. Accessory structures must be used for parking or storage, be small and represent a minimal investment by owners, and have low damage potential. Accessory structure size limits based on flood zone, 600 square feet in flood zones identified as A zones (A, AE, A1-30, AH, AO, A99, and AR) and not larger than 100 square feet in flood zones identified as V zones (V, VE, V1 30, and VO). Examples of small accessory structures include, but are not limited to, detached garages, storage and tool sheds, and small boathouses.

Alluvial fan flooding means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Appeal means a request for a review of the administrator's interpretation of any provision of this article or a request for a variance.

Appurtenant Structure means a structure that is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

Area of future condition flood hazard means the land area that would be inundated by the 1-percent-annual-chance (100-year) flood based on future-conditions hydrology.

Area of shallow flooding means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard means the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard".

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation (BFE) means the elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the

flood that has a 1% chance of equaling or exceeding that level in any given year – also called the Base Flood.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building

(1) *For Floodplain Regulations* see *Structure* (44 CFR, Section 59.1)

(2) *For International Building Code* means any structure used or intended for use or occupancy.

(3) *For Zoning* Any structure designed or built or used for the support, enclosure, shelter or protection of persons, animals, chattel or property of any kind (City of Slidell Code of Ordinances, Appendix A 0 Zoning, Part 9 – Definitions, Section 9.5).

Coastal High Hazard Area means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Compensatory storage means a volume not previously used for flood storage and which shall be incrementally equal to the theoretical volume of fill placed as a part of any development multiplied by a factor as defined within this section up to and including the base flood elevation.

Critical facility means facilities that are vital to flood response activities or critical to the health and safety of the public before, during, and after a flood, or facilities that if flooded would make the flood and resulting impacts worse, including but not limited to hospitals, emergency operations facilities, electric substations, police stations, fire stations, nursing homes, schools, public works facilities, vehicle and equipment storage facilities, shelters, hazardous materials facilities, water utilities, and wastewater collection and treatment facilities.

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be comprised.

Design flood means the flood associated with the greater of the following two areas:

(1) Area within the floodplain subject to a one percent or greater chance of flooding in any year, or

(2) Area designated as a flood hazard area on a community's flood hazard map or otherwise legally designated. (American Society of Civil Engineer 24-14: Flood Resistant Design and Construction)

Design flood elevation (DFE) means elevation of the design flood, including wave height, relative to the datum specified on the community's flood hazard map. (American Society of Civil Engineer 24-14: Flood Resistant Design and Construction)

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment and materials.

Elevated building means, for insurance purposes, a non- basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Enclosure means an area that is enclosed on all sides by walls (FEMA Technical Bulletin 1 Openings in Foundation Walls and Walls of Enclosures)

Existing construction means, for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Fill means material such as soil, gravel, or crushed stone that is placed in an area to increase ground elevations (see also structural fill) (ASCE 24-14 Flood Resistant Design and Construction).

Flood or flooding means

- (1) A general and temporary condition of partial or complete inundation or normally dry land areas from:
 - (a) The overflow of inland or tidal waters.
 - (b) The unusual and rapid accumulation of runoff of surface waters from any source.
- (2) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual

and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

Flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the Administrator, where the areas within the boundaries of special flood hazards have been designated as zone A, M, and/or E.

Flood insurance rate map (FIRM) means an official map of a community on which the Administrator has delineated both the areas of special flood hazards and risk premium zones applicable to the community.

Flood insurance study means see *Flood Elevation Study*.

Floodplain or Flood-prone area means any land area susceptible to being inundated by water from any source (see definition of "flooding").

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and flood plain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Flood proofing means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway see *Regulatory floodway*.

Flood encroachment lines mean the lines marking the limits of floodways on Federal, State and local flood plain maps.

Freeboard means a factor of safety usually expressed in feet above a flood level for the purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the heights calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long term storage or related manufacturing facilities.

Future-conditions flood hazard area, or Future-conditions floodplain see *Area of future-conditions flood hazard*.

Future-conditions hydrology means the flood discharges associated with projected land-use conditions based on a community's zoning maps and/or comprehensive land-use plans and without consideration of projected future construction of flood detention structures or projected future hydraulic modifications within a stream or other waterway, such as bridge and culvert construction, fill, and excavation.

Grade means the heights of a surface relative to a fixed height such as mean sea level (MSL).

Habitable floor means any floor usable for living purposes, which includes working, sleeping, eating or cooking or a combination thereof. A floor used for storage purposes only is not a "habitable floor."

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior or;
 - (b) Directly by the Secretary of the Interior in states without approved programs.

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee system means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of 44 CFR, Section 60.3.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

Manufactured home park or manufactured home subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the paving of concrete pads, and the construction of streets) is completed on or after the effective date of Ordinance No. 2143.

Map means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

Mean sea level (MSL) means, for the purpose of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map area referenced.

Natural grade or natural ground grade means the existing elevation of land prior to any manmade changes or prior to a proposed change in grade.

New construction means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of

concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Ordinary water mark means that mark on lakes, rivers, and streams that will be found by examining the bed and banks and determining where the presence and action of waters are so common and usual, and so long continued in ordinary years, as to leave a mark on the soil.

Ordinary high water mark means that line on the shore established by the fluctuations of the water and indicated by physical characteristics such as clear, natural line impressed on the bank, shelving, changes in character of the soil, destruction of terrestrial vegetation, the presence of litter and debris, or the appropriate means that consider the characteristics of surrounding areas (33 CFR, Section 328.3 – Definitions, subsection (c)(4)).

Primary frontal dune means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during coastal storms. The inland limit to the primary frontal dune occurs at the point where there is a distinct change from relatively steep slope to relatively mild slope.

Program deficiency means a defect in a community's flood plain management regulations or administrative procedures that impairs effective implementation of those flood plain management regulations or of the standards in 44 CFR Sec. 60.3, 60.4, 60.5, or 60.6.

Recreation vehicle means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Sand dune means natural or artificial ridges or mounds of sand landward of a beach (ASCE 24-14)

Sheet flow area see *Area of shallow flooding*.

Special flood hazard area means an area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, AR, AR/A1-30, AR/ AE, AR/AO, AR/AH, AR/A, A99, AH, VO, V1-30, VE, V, M, or E. See also "Area of special flood hazard".

Start of construction means (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes

substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State coordinating agency means the agency of the state government, or other office designated by the Governor of the state or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that state. The Department of Transportation and Development is the State coordinating agency for the State of Louisiana.

Storm cellar means a space below grade used to accommodate occupants of the structure and emergency supplies as a means of temporary shelter against severe tornado or similar windstorm activity.

Structural fill means fill placed and compacted to a specified density to provide structural support or protection to a structure (see also fill) (ASCE 24-14).

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 45 percent of the market value of the structure before the damage occurred.

Substantial improvements means any combination of reconstruction, rehabilitation, or other improvement of a structure in which the cost of the improvement equals or exceeds 45 percent of the current market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or

(2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure" 30-year setback means a distance equal to 30 times the average annual long term recession rate at a site, measured from the reference feature.

V Zone see *Coastal high hazard area*.

Variances means a grant of relief by a community from the terms of a flood plain management regulation (For full requirements see 44 CFR Sec. 60.6.)

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Watercourse means the channel of a river, stream or drainage way and not the adjacent overbank areas. Watercourses include not only rivers or streams that are the source of flooding used to determine the base flood and the floodplain boundaries, but also smaller streams, drainage ways and ditches within the floodplain that could flood during smaller more frequent events.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

(Code 1966, § 7-24; Ord. No. 3269, 5-10-2005; Ord. No. 3343, 9-12-2006; Ord. No. 3930, §§ 1, 2, 5-14-2019; Ord. No. 3968, § 3, 12-17-2019; Ord. No. 4038, § 1, 7-13-2021)

Cross reference - Definitions generally, Chapter 1 – General Provisions, Sec. 1-2 – Definitions and rules of construction.

Sec. 15-26. - Lands to which article applies.

This article shall apply to all areas within the corporate limits of the City of Slidell.
(Code 1966, § 7-25; Ord. No. 4038, § 2, 7-13-2021)

Sec. 15-27. - Basis for establishing areas of special flood hazard.

(1) The following are hereby adopted by reference and declared to be a part of this article:

- (a) Areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in a scientific and engineering report entitled "The Flood Insurance Study for the City of Slidell," dated April 21, 1999, with accompanying flood insurance rate maps (FIRMs). The base flood elevations (BFE) as shown on the FIRM plus two (2) feet of freeboard are hereby adopted.
- (b) Areas of special flood hazard identified by FEMA in a preliminary scientific and engineering report entitled St Tammany Parish, Louisiana, and Incorporated Areas Volume 1 of 1, Flood Insurance Study Number 22103CV000A from 2008 for the area within the corporate limits of City of Slidell situated east of I-10 and south of

Shortcut Highway (U.S. Hwy 190B). The BFE plus two feet of freeboard are hereby adopted for this area.

- (2) Until the City designates a regulatory floodway, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(Code 1966, § 7-26; Ord. No. 2877, § 7-26, 4-13-1999; Ord. No. 3343, 9-12-2006; Ord. No. 4038, § 3, 7-13-2021)

Sec. 15-28. – Requirement of a permit for development within the Area of Special Flood Hazard (SFHA).

A permit for any development within the SFHA shall be required to ensure conformance with the requirements of this article.

(Code 1966, § 7-27)

Sec. 15-29. - Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this article and other applicable regulations. Violation of the provisions of this article are subject to the penalties and fines as assessed by the City of Slidell City Council as set forth in Code of Ordinances, Part 1 – Home Rule of Charter, Article II, City Council, Section 2-17 Powers of Enforcement.

(Code 1966, § 7-28)

Sec. 15-30. Abrogation and greater restrictions.

These Flood Damage Prevention regulations are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these regulations and other ordinances, easements, covenants, or deed restrictions conflict or overlap with these floodplain regulations, whichever imposes the more stringent restrictions shall prevail.

Sec. 15-31 Interpretation.

In the interpretation and application of this Flood Damage Prevention Ordinance, all provisions shall be:

- (1) Considered as minimum requirements.
- (2) Liberally construed in favor of the governing body.
- (3) Deemed neither to limit nor repeal any other powers granted under State statutes.

Sec. 15-32. - Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood height may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damage. This article shall not create liability on the part of the city or any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made under this article.

(Code of 1966 § 7-29)

Sec. 15-33. - Administration.

- (1) Designation of administrator. The Chief Building Official is hereby appointed as the Floodplain Administrator and is tasked to administer and implement the stipulations of this article. In the absence of the Chief Building Official, the duties of the Floodplain Administrator shall be handled by the Mayor's designee.
- (2) Duties and responsibilities of the Floodplain Administrator. Duties and responsibilities of the Floodplain administrator shall be to:
 - (a) Maintain and hold open for public inspection all records pertaining to the requirements of this article;
 - (b) Review permit applications to determine that the proposed building, site, or project, including the placement of manufactured homes, will be reasonably safe from flooding.
 - (c) Review, approve or deny all applications for permits with the SFHA required by **Sec. 15-27 Requirement of a permit for development within the SFHA;**
 - (d) Review proposed development to ensure that all necessary permits have been received from those governmental agencies from which approval is required by federal, state or local governmental agencies including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334;
 - (e) Where interpretation is needed as to the exact location of the boundaries of the SFHA (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation;
 - (f) Notify, in riverine situations, adjacent communities and the Louisiana Department of Transportation and Development prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency;
 - (g) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
 - (h) When base flood elevation data has not been provided in accordance with **Sec. 15-26 – Basis for establishing areas of special flood hazard** , the Floodplain

Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer the provisions of sections **Sec. 15-33 – General construction requirements** through **Sec. 15-35 – Standards for subdivision proposals**

(Code 1966, § 7-30; Ord. No. 2877, § 7-30, 4-13-1999; Ord. No. 3822, 7-12-16)

Sec. 15-34. – permit procedures.

- (1) Permit required. A permit is required for all development in the SFHA to ensure conformance with the requirements of this article. Applicants shall fill out and submit a permit application for review and approval.
- (2) Permit Procedures.
 - (a) Application. Permit applications are available from and submitted to the City's permit section who inputs them into the City's permit system for review and approval.
 - (b) Review. Applications for a permit in the SFHA shall be reviewed by the City for conformance with the requirements of this article. Documents and information that are required to be submitted along with the permit application for development in the SFHA include but are not limited to:
 1. Site/Plot Plan. A site/plot plan, in duplicate, drawn to scale. The plan shall include
 - a. Location,
 - b. Dimensions and elevation of any proposed landscape alterations,
 - c. Existing and proposed structures, and the
 - d. Location of the foregoing in relation to areas of special flood hazard.
 2. Elevation certificate (Construction Drawing) for all new and substantially improved structures. The planned elevation in relation to mean sea level for the top of bottom floor and next higher floor must be identified on the elevation certificates. The elevation certificate must be prepared, signed, and sealed by a Louisiana licensed surveyor, engineer, or architect;
 3. Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
 4. A certificate from a registered professional engineer or architect that the nonresidential structure shall meet the criteria of **Sec. 15-34 – Specific standards for different types of construction.**
 5. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
 - (c) Approval. Approval or denial of a permit by the City shall be based on the provisions of this ordinance and the following relevant factors:
 1. The danger to life and property due to flooding or erosion damage;
 2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual landowner;

3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

(Code 1966, § 7-31)

Sec. 15-35. – Appeals and Variance.

(1) A Floodplain Management Board of Appeal, hereafter Board of Appeal, is hereby established. The Board of Appeal shall hear and render judgment on appeals of decisions regarding floodplain management regulations and requests for variances from the requirements of this article.

(a) Membership. The Board of Appeals shall consist of the following four City employees

1. Chief Administrative Officer
2. Director of Department of Engineering
3. Director of the Department of Building Safety
4. Director of Planning

(b) Upon consideration of the factors identified in **Sec. 15-22 - Method of reducing flood losses** and **Sec. 15-23 Objectives** and the intent of this article, the Board of Appeal may attach such conditions to the granting of variances and appeals as it deems necessary to further the purpose and objectives of this chapter.

(c) Floodplain Administrator duties to the Board of Appeals. The Floodplain Administrator shall

1. Provide staff support to the Board of Appeals to include arranging a meeting space, public notices, and production and dissemination of meeting agendas and minutes.
2. Maintain a record of all actions involving an appeal and report variances to the Federal Emergency Management Agency (FEMA).

(2) Appeal of a Decision.

(a) The Board of Appeal shall hear and render judgment on an appeal of a floodplain management decisions only when it is alleged that there is an error in any

requirement, decision or determination made by the Floodplain Administrator in the enforcement or the administration of this Chapter.

(b) Any person aggrieved by the decision of the Board of Appeal may appeal such decision in the courts of competent jurisdiction.

(3) Variances.

(a) Generally.

1. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or structures listed on the Louisiana Standing Structures Survey as eligible for the National Register of Historic Places, without regard to the procedures set forth in the remainder of this section. A variance for the repair and rehabilitation of historic structures may only be issued upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
2. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below base flood level, providing the relevant factors in **Sec. 15-31 – Requirement for a permit for development in the SFHA and permit procedures, Subsec. (2)(c)** have been fully considered. As the lot size increases in size, beyond the one-half acre, the technical justification required for issuing the variance increases.
3. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that it meets the prerequisites listed in **Subsection (3)(b) below**.

(b) Prerequisites for granting variances:

1. Variances shall only be issued upon determination that the request is the minimum necessary, considering the flood hazard, to afford relief.
2. Variances shall only be issued upon
 - a. Showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation and that the cost of flood insurance will be

commensurate with the increased risk resulting from the reduced lowest floor elevation.

- (c) Neither the city, nor any of its officials, either elected or appointed, shall be held liable for any damages sustained as a result of the granting of or denial of a variance to this chapter.
- (d) As a condition of granting of any variance the landowner shall
 1. Ensure a copy of the variance is recorded on the deed of the property.
 2. Notify, in writing, any prospective landowner of the variance granted and any use thereof.
- (e) The variance shall be made part of the public records of the Board of Appeal.

Sec. 15-36. - General construction requirements.

(1) *Fill*. Fill may be placed on private property subject to the following provisions:

- (a) Before fill is placed, a fill plan must be approved by the Department of Engineering. If fill is not placed within six months of the issuance of a permit, a new fill plan or written extension must be approved by the Department of Engineering. The fill plan shall include at a minimum:
 1. Elevations at all property corners and the proposed finished floor elevations for all building improvements;
 2. Location and dimensions of the fill/excavation footprint;
 3. Proposed elevation of all proposed paving within the property, such as driveways, patios, stair landings, and pools;
 4. Net volume of fill to be hauled in and placed on the site, in cubic yards;
 5. Net volume of material to be excavated and removed from the site or excavated and placed elsewhere on the site, in cubic yards;
 6. A calculation showing the balance of excavation and fill, which shall show compliance with fill requirements as contained herein
 7. The location of any drainage servitudes or waterways near the property.

Note: Elevation can be either MSL or relative. If relative, show your reference elevation and location.

- (b). *Slope of fill*. Fill shall taper at a maximum slope of three horizontal feet for every one vertical foot (3:1).
- (c). *Volume of fill*.
 1. Only sufficient fill to elevate a structure to meet the City's Design Flood Elevation (DFE) or two feet above the crest of the adjacent street, whichever is higher, is allowed.
 2. Undeveloped Lot, Parcel, or Tract. Fill may be placed on an undeveloped lot, parcel, or tract up to but not higher than the height of the centerline of the adjacent street.

- (2) In all areas of special flood hazards, the following provisions are required:
- (a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effect of buoyancy;
 - (b) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
 - (c) All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
 - (d) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
 - (e) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into floodwaters;
 - (f) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding;
 - (g) *Enclosures.* For all new construction or substantial improvement, when the lowest floor is:
 - 1. Four feet or higher than the finished grade, enclosure of the area beneath the lowest floor may be allowed subject to applicable standards of Part 3 Design Standards, Appendix B of this Code and the following:
 - a. Any area may be enclosed with non-structural screening meeting the standards of section 3.202 Elevated residences of Appendix B of this Code.
 - b. An area up to 299 square feet may be fully enclosed provided:
 - i. It is designed to preclude use as living space,
 - ii. It meets or exceeds the standards in Section 15-33.(2).(g).2. below and
 - iii. The property owner executes and records with the structure's deed a non-conversion agreement declaring that the enclosed area shall not be improved, finished, or otherwise converted and that the city shall have the right to inspect the enclosed area at any time.
 - 2. Less than four feet higher than the finished grade, the area beneath the lowest floor may be enclosed subject to applicable standards of Part 3 Design Standards, Appendix B of this Code and provided that the enclosure is designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one-foot above grade.
 - c. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- (h) Electrical, heating, ventilation, plumbing, air conditioning equipment including ductwork, and other service facilities shall be designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding and shall be located above the City's DFE; and
- (i) On all new structures or substantially improved structures, the owner or builder shall be required to supply to the Department of Engineering and Chief Building Official an elevation certificate signed and certified by a licensed Louisiana surveyor, engineer or architect providing the elevation, above mean sea level (MSL), of the lowest floor and the next highest floor. This certification shall be performed immediately after the construction and installation of the lowest floor.
- (j) *Foundations.* All foundations shall be designed to be protected from forces imparted by flooding and scouring. Foundation Plan Requirement.
1. Residential. A foundation plan, signed and sealed by a licensed professional engineer registered in the State of Louisiana shall be provided for all foundations for all structures except for accessory structures less than 600 sq ft in size.
 2. Nonresidential. A foundation plan, signed and sealed by a licensed professional engineer registered in the State of Louisiana shall be provided for all foundations.

(Code 1966, § 7-33; Ord. No. 2877, § 7-33, 4-13-1999; Ord. No. 4038, § 4, 7-13-2021)

Sec. 15-37. - Specific standards for different types of construction.

- (1) In the 500-year floodplain, new critical facilities shall be elevated or otherwise protected to an elevation at least one foot above the 500-year flood level.
- (2) In all areas of special flood hazards, the following provisions are required:
- (a) *Residential construction.*
 1. New construction or substantial improvement of any residential structure shall have the lowest habitable floor and machinery or equipment, including ductwork, elevated to or above the City's Design Flood Elevation (DFE) which is Base Flood Elevation (BFE) plus two feet of freeboard.
 2. A registered professional engineer, architect or land surveyor shall submit an elevation certificate (finished construction) to the Department of Engineering

proving that the required elevation of the lowest floor and equipment servicing the building has been meets the requirements of this article.

3. An attached garage may have its lowest floor below the DFE, provided it meets all criteria outlined in subsection (4) below for accessory structures.

(b) Nonresidential construction.

1. New construction or substantial improvements of any commercial, industrial or other nonresidential structure shall have the lowest habitable floor, including the basement, elevated to or above the City's DFE, which is the BFE level of plus two feet of freeboard.
2. A registered professional engineer or architect shall submit a finished elevation certificate to the Department of Engineering proving that the required elevation of the lowest floor and equipment servicing the building have been met. Where a nonresidential structure is intended to be made watertight below the base flood elevation, a registered professional engineer or architect shall
 - a. Develop and/or review structural design, specifications, and plans for the construction, and
 - b. Certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this article,
 - c. Structures shall be designed so that attendant utility and sanitary facilities located below DFE are flood resistant with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
3. A record of the construction certificate, elevation and dry floodproofing, which includes the specific elevation (in relation to mean sea level) to which such structures are elevated or floodproofed, shall be maintained by the Department of Engineering.

(c) Manufactured homes.

1. No manufactured home shall be placed in a floodway or coastal high hazard area.
2. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Anchoring requirements shall be either:
 - a. Over-the-top ties. Over the top ties anchored to the ground at each of the four corners of the manufactured home. Manufactured homes less than 50 feet in length shall have an additional tie per side at an intermediate location. Manufactured homes greater than 50 feet in length shall have an additional two ties per side at intermediate locations; manufactured homes less than 50 feet long require only one additional tie per side; or

- b. Frame Ties. Frame ties anchored to the ground at each corner of the manufactured home. Manufactured homes over 50 feet in length shall have an additional frame tie every 12 feet along the length of the structure. Manufactured homes less than 50 feet long shall have four additional frame ties evenly spaced along each side of the structure.
 - c. All components of the anchoring system must individually be capable of carrying a force of 4,800 pounds;
 - d. Any additions to the manufactured home must be similarly anchored;
 - e. All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home and machinery or equipment, including ductwork, is at or above the City's DFE and be securely anchored in accordance with subsection (c).2 above.
- (d) Small Accessory structures, (small, low cost sheds) may be constructed with the lowest floor below DFE. Accessory structures shall meet the following requirements:
1. In A or AE flood zones, a small accessory structure is defined as a structure less than or equal to 600 square feet in size and which is used solely for vehicle parking (two-car detached garages or smaller) or limited storage;
 2. Small accessory structures shall be anchored to resist flotation, collapse, and lateral movement;
 3. Portions of structure located below the DFE shall be constructed of flood-resistant materials;
 4. Shall be designed for the automatic entry and exit of floodwaters;
 5. Shall have mechanical and utility equipment servicing the structure elevated above DFE;

(Code 1966, § 7-34; Ord. No. 2877, § 7-34, 4-13-1999; Ord. No. 3741, 8-12-2014; Ord. No. 4038, § 5, 7-13-2021)

Sec. 15-38. - Standards for subdivision and all other proposed development proposals.

- (1) All subdivision proposals and other proposed development shall be consistent with the finding of facts, methods of reducing flood loss, and objectives identified in **sections Sec. 15-21 – Finding of Facts through 15-23 – Objectives.**
- (2) All proposals for the development of subdivisions and other development shall meet the permit requirements of sections **Sec. 15-27 – Establishment of requirement for a permit for development within the area of special flood hazard, 15-31 – Requirement for permit approval for development in the SFHA and permit procedures, Sec. 15-33 Specific standards for different types of construction, and 15-34 – Specific standards for different types of construction.**

- (3) The developer shall provide base flood elevation data for subdivision proposals and other proposed development, including proposals for manufactured home parks, which is greater than the lesser of 50 lots or five acres, if not otherwise provided pursuant to Section 15-26 – Basis for establishing area of special flood hazard **Sec. 15–27 Establishment of requirement for a permit for development within the area of special flood hazard and Sec. 15-30 Administration, Subsec. (2)(g).**
- (4) All subdivision proposals and other proposed development shall include a drainage plan for stormwater runoff. The plan shall identify the following items:
- (a) Existing runoff quantities.
 - (b) Indicate retention/detention design criteria to limit post construction runoff.
 - (c) Show how post construction runoff shall be equal to or exceed 90 percent of the preconstruction runoff.
 - 1. The developer may determine the means necessary to reduce postconstruction runoff to accommodate this regulation.
 - 2. The reduction in runoff shall be achieved through retention/detention methods unless otherwise approved by the city administration, which would normally consist of the mayor or his designee, the director of planning, the permit director and the city engineer.
 - 3. Requests for a lower percentage reduction must be approved in writing by the City Engineer based on a twenty-five (25) year storm.
 - 4. Stormwater shall drain from the property to the public ROW. No stormwater will drain onto another privately owned lot, tract, or parcel, unless the discharging property owner secures and records a drainage servitude from the receiving private property’s owner. Comply with the water quality provisions of Ch. 7 – Buildings and Regulations, Article III – Drainage, Division 2 – Storm Drainage, Section 7-228 – Design, Subsection (2) Quality. Comply with erosion and sediment control requirements in Ch. 7 – Buildings and Regulations, Article III – Drainage, Division 2 – Storm Drainage, Section 7-232 – Erosion and sediment control during construction.
 - 5. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damages.

(Code 1966, § 7-35; Ord. No. 2877, § 7-35, 4-13-1999)

Sec. 15-39. - Recreational vehicles.

All recreational vehicles shall:

- (1) Be on the site for fewer than 180 days.
- (2) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by a quick disconnect type utilities and security devices and has no permanently attached additions.

- (3) Meet the permit requirements of **Sec. 15-27 – Establishment of requirement for a permit for development within the SFHA** and the elevation and anchoring requirements for manufactured homes in **Sec. 15-34 – Manufactured home, Subsec. (2) (c)**.

(Ord. No. 2877, § 7-36, 4-13-1999)

Sec. 15-40. – Private retention/detention pond maintenance required.

Developers of property that have privately owned retention/detention ponds shall maintain said ponds to properly function according to the drainage report and construction plans. Proper maintenance should include, but not be limited to: Periodic mowing, removal of debris, erosion control and correction, maintenance of outlet structures and inlet structures.

(Ord. No. 3016, 7-10-2001)

Sec. 15-41 Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this code and other applicable regulations. Violations of the provisions of this chapter are subject to the penalties as assessed by the City of Slidell City Council as set forth in **Code of Ordinances, Part 1 – Home Rule of Charter, Article II, City Council, Section 2-17 Powers of Enforcement**.

Sec. 15-42 Severability.

See Code of Ordinances, Chapter 1- General Provisions, Sec. 1-8 – Severability of parts of Code.

Editor's note— Ord. No. 4038, § 6, adopted July 13, 2021, repealed § 15-38, which pertained to the fill ordinance and derived from Ord. No. 3269, 5-10-2005.

BRIEF

Fee Study

CITY OF SLIDELL, LA: 2023 - 2024 INCREMENTAL CODE AMENDMENT STRATEGY
RE: Fee Study

November 2023



DESIRE LINE

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

SUMMARY OVERVIEW

BACKGROUND

Pursuant to **Section 2-17** of the **Home Rule Charter** of the City of Slidell, the City Council is authorized to “require licenses and permits and fix the fees to be paid therefor.” Permit fees assist communities in covering the costs associated with the review process for individual permits including staff time and resources as well as advertising costs. Current fees for development-related licenses and permits in the City of Slidell have not been updated in over a decade; moreover, certain fees related to approvals required by the Planning Commission have not been updated since the 1980s.

The purpose of this fee study and recommendation is to ensure that the City of Slidell is collecting comparable revenues with neighboring Northshore communities for the development-related reviews which it administers. Both the St. Tammany Parish government and the City of Mandeville updated their development-related fees in 2022.

This brief summarizes existing fee requirements, analyzes similar fee structures in neighboring communities and offers recommendations for amendments to existing fees as outlined in the City’s Code of Ordinances and a revised fee schedule.

FINDINGS

1. *Background.* Local governments set user fees for certain types of government functions which benefit individual citizens as opposed to the community as a whole. Fees for development-related permits and licenses help cover costs associated with the review and approval of permits and enforcement of the City’s building and zoning regulations.
2. *Existing Fees.* The City of Slidell has not updated its fees for building permits in over a decade. Its planning and zoning related fees have not been updated since the 1980s. Existing fees for several permit types are substantially lower than in other communities on the Northshore.
3. *Fees in Neighboring Communities.* Fees in three neighboring local governments including the government unincorporated St. Tammany Parish, the City of Covington, and the City of Mandeville were reviewed as part of this study. Both St. Tammany Parish and the City of Mandeville adopted revised fees in the last year. Overall, fees in neighboring communities are substantially higher than are currently assessed in the City of Slidell.
4. *Conclusions.* It is important for communities to update permit fees from time to time so that local governments can cover rising costs associated with permit reviews, inspections and recommendation development in the case of planning or subdivision-related applications.

RECOMMENDATIONS

1. Create a new appendix in the Code of Ordinances, entitled Appendix F – Fee Schedule which consolidates all development-related fees in one location.

- a. Amend various fees to increase fee amounts to sum comparable to neighboring communities researched. Retain fee amounts which are comparable to or greater than those in neighboring communities.
 - b. The Council should also consider expanding the Appendix to house other fee types currently listed in various chapters of the Code of Ordinance in a future amendment.
2. Amend Chapter 7, Appendix A, and Appendix B to delete all listed fee amounts and insert reference to Appendix F – Fee Schedule.
3. Amend Appendix A, Part 5, Section 5.103 to reference Chapter 7 – Buildings and Building Regulations instead of Chapter 22 - Planning.

EXHIBIT A - DETAILED REPORT

Analysis, methodology, research, and recommendations.

ANALYSIS

FEE STUDY SCOPE

As part of this fee study for development-related permits and approvals, staff assessed the following:

1. Current building-related permits and contractor licenses as outlined in Chapter 7 – Buildings and Building Regulations, Article 1 – In General, of the City of Slidell Code of Ordinances.
2. Current planning and zoning-related applications as outlined in Appendix A - Zoning, Part 5 – Schedule of Fees, Charges and Expenses, of the City of Slidell Code of Ordinances
3. Current subdivision-related applications as outlined in Appendix B – Subdivision Regulations, Part 5 – Procedure for Plan Approval, of the City of Slidell Code of Ordinances.
4. Following the initial assessment, staff reviewed additional fees included in the City’s current permitting system, some which are not codified. Fees not addressed through this amendment should be addressed in a future amendment. A new permitting system will be onboarded in 2024.

CURRENT FEES

Currently, development-related permit fees are outlined in three different sections of the Code of Ordinances. Building permit fees are outlined in Chapter 7, Article 1. Most planning and zoning related fees are outlined in Appendix A, Part 5 while fees for PUDs are outlined in Appendix A, Part 2 and subdivision-related fees are outlined in Appendix B, Part 5 of the Code. (For applicable requests, the applicant is responsible for advertisement and recordation costs. These external costs are not a part of this study.)

Table 1. Current Fees, City of Slidell.

Fee Type	Fee Amount
Buildings	
Residential Building	Based on cost of proposed construction: \$100 or less: zero unless inspection required, \$15 \$101 to \$2,000: \$8 per \$1,000 or fraction thereof, minimum \$15 \$2,001 to \$15,000: \$15 for the first \$2,000 + \$3 for each additional \$1,000 or fraction thereof up to and including \$15,000 \$15,001 to \$50,000: \$49 for the first \$15,000 + \$2.50 for each additional \$1,000 or fraction thereof up to and including \$50,000 \$50,001 to \$100,000: \$136.50 for the first \$50,000 + \$2 for each additional \$1,000 or fraction thereof up to and including \$100,000 \$100,001 to \$500,000: \$236.50 for the first \$100,000 + \$1.25 for each additional \$1,000 or fraction thereof up to \$500,000 \$500,001 and up: \$736.50 for the first \$500,000 + \$0.75 for each additional \$1,000 or fraction thereof

Fee Type	Fee Amount
Commercial Building	\$3 per \$1,000 or fraction thereof of cost of proposed construction
Commercial Plan Review	50% of permit fee, not to exceed \$500
Change of Use (Commercial Only)	\$30, inspection; \$8 certificate of occupancy permit
Pool	per residential building permit valuation
Fence	per residential building permit valuation
Demolition	\$25
Moving	\$50
Paving Permit	per residential building permit valuation
Gas Residential	\$10
Gas Commercial	\$25 + 1 % of the contract price
Plumbing Residential	\$5 for the first fixture and \$3 for each additional fixture with a minimum of \$35
Plumbing Commercial	1 % of the plumbing contractor's contract with a minimum of \$5
Electrical Residential (New Construction)	\$75
Electrical Residential (Existing)	\$50
Mechanical Residential	1% of contract, \$50 per dwelling 2+
Mechanical Commercial	1% of contract, \$50 per dwelling 2+
Electrical Commercial	1 % of the electrical contractor's contract with a minimum of \$50 per unit structure
Temporary Pole	\$25
1st Inspection	\$50
2nd Reinspection	\$150
3rd Reinspection	\$200
4th Reinspection	\$300

Fee Type	Fee Amount
Signage	\$30 for freestanding signs, \$15 for all other signs including sign faces
Tree Removal (Land Clearing)	\$10/acre
Contractor Licenses	
General Contractor	\$200
Subcontractor	\$50
Mechanical and Electrical License	\$50
Plumbing and Gas fitting License	\$50
Planning	
Text Change	\$25
Zoning Map Change	\$25 per acre, max \$200
PUD	\$50 per acre
Variance	\$30
After-the-Fact Variance	\$0
Multi-Family Use	based on project valuation, max \$10,000
Conditional Use	\$0
Subdivision	
Administrative Subdivision	\$35
Major Subdivision	\$35

METHODOLOGY

The purpose of this study is to recommend fee changes for development-related permits and applications for the City of Slidell which are comparable to neighboring communities and cost-reasonable. To do so, staff followed the following methodology or approach.

1. Compare current fee to similar in neighboring communities, and if fee is higher in neighboring communities, amend fee to approximately match fee in neighboring communities.

2. Compare current fee to similar in neighboring communities, and if fee is lower or same in neighboring communities, do not change fee.
3. Compare current fee to similar in neighboring communities, and if fee calculation provides more efficient method for calculation in terms of time savings and being more easily verifiable through physical inspection, amend fee to adopt similar calculation method.
4. Compare current fee or lack thereof to similar in neighboring communities, and where a fee exists in another community for a similar permit or application and does not exist in the City of Slidell, amend by inserting new fee requirement like that in neighboring communities.

FLAT FEES VS. VARIABLE FEES

Several existing and proposed fees are variable. In other words, the amount of the fee depends on a quantitative element of the development (i.e., construction project square feet, construction project cost, number of electrical fixtures). For some miscellaneous fees, staff proposes replacing fees with flat fees. For example, in the case of pool permits, a standard pool could measure between 200 and 600 square feet. A flat fee reduces the administrative burden of fee calculation for ad hoc accessory development types that have more standard, less variable dimensions and project costs per square foot.

RESEARCH

Staff reviewed the ordinances of three neighboring local governments including the government unincorporated St. Tammany Parish, the City of Covington, and the City of Mandeville. Both the City of Mandeville and St. Tammany Parish recently amended their fee schedules in 2022 in order to increase fee amounts to cover costs.

In review of other neighboring Northshore communities, staff found variation in fee amounts but noted the following general best practices:

- Most communities' ordinances include a consolidated fee schedule which contains all user fee types and amounts outlined in one section of their ordinance. This practice is more user-friendly and helps both government officials and the public locate applicable fees in a more efficient manner. The City of Mandeville recently added such a fee schedule in 2022, entitled Appendix C - Fees and Fines. This appendix includes a comprehensive list of all fees and fines from trash and garbage collection fees, alcoholic beverage outlet fees, and cemetery fees to zoning and building permit fees. The City of Covington similarly has an entire chapter of its code dedicated to outlining fees.
- Fees for planning-related applications such as subdivisions, variances and zoning changes are substantially higher in neighboring Northshore communities.
- For building permits, it is common for fees to be based on square footage of construction as opposed to construction project estimates, with the exception of commercial building permits which are based on contract value in some of the neighboring communities.
- For trade permits, it is common for fees to be based on the number of fixtures proposed for installation.

Exhibit C – Appendix of this report includes the full analysis of each fee per permit or application type in each researched community.

RECOMMENDATIONS

Based on the above analysis and research, the following amendments to the Code of Ordinances are recommended.

1. Create a new appendix in the Code of Ordinances, entitled Appendix F – Fees which consolidates all development-related fees in one location. The Council should also consider expanding the Appendix to house other fee types currently listed in various chapters of the Code of Ordinance in a future amendment.
2. Amend Chapter 7, Appendix A, Appendix B to delete fee amounts and insert reference to Appendix F – Fees.
3. Recommend deletion of reference in Appendix A to Chapter 22 for building permit fees. Change to Appendix F.
4. Amend various fees to increase fee amounts to sum comparable to neighboring communities researched. Retain fee amounts which are comparable to or greater than those in neighboring communities.

Table 2. Proposed Amended and New Fees

Fee Type	Existing Fee	Proposed Fee
Buildings		
Residential Building	Based on cost of proposed construction: \$100 or less: zero unless inspection required, \$15 \$101 to \$2,000: \$8 per \$1,000 or fraction thereof, minimum \$15 \$2,001 to \$15,000: \$15 for the first \$2,000 + \$3 for each additional \$1,000 or fraction thereof up to and including \$15,000 \$15,001 to \$50,000: \$49 for the first \$15,000 + \$2.50 for each additional \$1,000 or fraction thereof up to and including \$50,000 \$50,001 to \$100,000: \$136.50 for the first \$50,000 + \$2 for each additional \$1,000 or fraction thereof up to and including \$100,000 \$100,001 to \$500,000: \$236.50 for the first \$100,000 + \$1.25 for each additional \$1,000 or fraction thereof up to \$500,000 \$500,001 and up: \$736.50 for the first \$500,000 + \$0.75 for each additional \$1,000 or fraction thereof	\$0.30 cents per sq ft of building area of project (applied to new construction, remodels, and additions), Minimum \$50
Commercial Building	\$3 per \$1,000 or fraction thereof of cost of proposed construction	\$0.35 cents per square foot of building area
Commercial Plan Review	50% of permit fee, not to exceed \$500	50% of permit fee, not to exceed \$500
Change of Use (Commercial Only)	\$30, inspection; \$8 certificate of occupancy permit	\$50
Pool	per residential building permit valuation	\$100
Fence	per residential building permit valuation	\$50

Fee Type	Existing Fee	Proposed Fee
Demolition	\$25	\$100
Moving	\$50	\$100
Paving Permit	per residential building permit valuation	\$50
Gas Residential	\$10	\$50 and \$3 per fixture
Gas Commercial	\$25 + 1 % of the contract price	1% of contract, minimum \$50
Plumbing Residential	\$5 for the first fixture and \$3 for each additional fixture with a minimum of \$35	\$5 for the first fixture and \$3 for each additional fixture with a minimum of \$35
Plumbing Commercial	1 % of the plumbing contractor's contract with a minimum of \$50	1% of contract, minimum \$50 and \$3 per fixture
Electrical Residential (New Construction)	\$75	\$100 and \$3 per fixture
Electrical Residential (Existing)	\$50	\$50 and \$3 per fixture
Electrical Commercial	1 % of the electrical contractor's contract with a minimum of \$50 per unit structure	1 % of the electrical contractor's contract with a minimum of \$50 per unit structure and \$3 per fixture
Temporary Pole	\$25	\$25
1st Inspection	\$50	\$100
2nd Reinspection	\$150	\$200
3rd Reinspection	\$200	\$400
4th Reinspection	\$300	\$800
Signage	\$30 for freestanding signs, \$15 for all other signs including sign faces	\$30 and any fees for electrical
Tree Removal/Land Clearing	\$10/acre	\$30/\$30 per acre

Fee Type	Existing Fee	Proposed Fee
Contractor Licenses		
General Contractor	\$200	\$200
Subcontractor	\$50	\$50
Electrical License	\$50	\$50
Plumbing and Gas Fitting	\$50	\$50
Planning		
Text Change	\$25	\$500
Zoning Map Change	\$25 per acre, max \$200	\$250 per acre max \$2000 for residential zones, \$500 per acre max \$4000 all other zones
PUD	\$50 per acre	\$500 and \$50 per acre
Variance	\$30	\$200
After-the-Fact Variance	New	\$500
Multi-Family Use	based on project valuation, max \$10,000	Deleted
Conditional Use	New	\$500
Subdivision		
Administrative Subdivision	\$35	\$500
Major Subdivision	\$35	\$100 filing fee + \$50 per subdivided lot for preliminary plat approval, \$100 filing fee + \$100 per subdivided lot for final approval

EXHIBIT B - PROPOSED CODE AMENDMENTS

Exhibit B includes draft language based on recommendations, where:

1. **Bold or 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

Create a new appendix in the Code of Ordinances, entitled Appendix F – Fees which consolidates all development-related fees in one location.

Appendix F. - Fees

Part 1. - Development Fee Schedule

Section 1.1 Building Permit Application Fees

1.1.1 Development Permit Fees	
Residential Building	\$0.30 cents per square foot of building area of project (applied to new construction, remodels, accessory structures, and additions), Minimum \$50
Commercial Building	\$0.35 cents per square foot of building area
Commercial Plan Review	50% of permit fee, not to exceed \$500.00
Change of Use (Commercial Only)	\$50.00
Pool	\$100.00
Fence	\$50.00
Demolition	\$100.00
Moving	\$100.00
Paving Permit	\$50.00

1.1.2 Electrical, Plumbing, and Gas Permit Fees	
Gas Residential	\$50 and \$3 per fixture
Gas Commercial	1% of gas contract, minimum \$50
Plumbing Residential	\$5.00 for the first fixture and \$3.00 for each additional fixture with a minimum of \$35.00
Plumbing Commercial	1% of contract, minimum \$50.00 and \$3 per fixture
Electrical Residential (New Construction)	\$100.00 and \$3 per fixture
Electrical Residential (Existing)	\$50.00 and \$3 per fixture

Electrical Commercial	1 % of the electrical contractor's contract with a minimum of \$50 per unit structure and \$3 per fixture
Temporary Pole	\$25.00

1.1.3 Inspection Fees

1st Inspection	\$100.00
2nd Reinspection	\$200.00
3rd Reinspection	\$400.00
4th Reinspection	\$800.00

1.1.4 Signage Fees

Wall Sign or Freestanding Sign	\$30.00 and any fees for electrical
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1.1.4 Landscaping and Land Clearing Fees

Tree Removal	\$30.00
Land Clearing	\$30.00 per acre
Landscape Plan Review	\$30

Section 1.2 Contractor License Fees

1.2.1 Contractor License Fees

General Contractor	\$200.00
Subcontractor (Includes Mechanical, Electrical, Plumbing, and Gas fitting)	\$50.00

Part 2. - Planning and Subdivision Schedule

Section 2.1 Planning Fees

1.1.1 Planning Application Fees

Text Change	\$500.00
Zoning Map Change	\$250.00 per acre maximum \$2,000.00 for residential zones, \$500.00 per acre maximum \$4,000.00 all other zones
PUD	\$500 and \$50.00 per acre
Variance	\$200.00
After-the-Fact Variance	\$500.00
Conditional Use	\$500.00

Section 2.2 Subdivision Fees

1.2.1 Contractor License Fees

Administrative Subdivision	\$500.00
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Major Subdivision, Preliminary Plat Approval	\$100.00 filing fee + \$50.00 per subdivided lot
Major Subdivision, Final Approval	\$100.00 filing fee + \$100.00 per subdivided lot for final approval

Recommendation No. 2

Amend Chapter 7, Article 1 – Fees Established, deleting fee requirements and replacing text with reference to Appendix F - Fees.

Recommendation No. 3

Amend Appendix A, Parts 2 and 5, deleting fee requirements and replacing text with reference to Appendix F - Fees.

Recommendation No. 4

Amend Appendix B, Part 5, deleting fee requirements for plat approval and replacing text with reference to Appendix F - Fees.

Recommendation No. 5

Amend Appendix A, Part 5, Section 5.103, deleting reference to Chapter 22 for building permits.

EXHIBIT C – APPENDIX

Comparison Communities – Fee Schedule

Table 3. Development Fees in Neighboring Local Governments (as of August 2023).

Fee	St Tammany Parish	City of Covington	City of Mandeville
Residential Building	\$300 + \$0.10 per sqft for additions, \$100 + \$5 per \$1,000 of executed contract amount for remodels	\$0.25 per sqft of building area for residential	0.30 cents per sqft for single, two-family, and townhomes + \$40 landscape inspection fee for new construction
Commercial Building	\$300 + \$0.31 per sqft for additions, \$100 + \$5 per \$1,000 of executed contract amount for remodels	Based on dollar amount see below: \$1,000 and less: \$50 \$1,001 to \$50,000: \$50 for the first \$1,001 + \$5 for each additional thousand or fraction thereof \$50,001 to \$100,000: \$500 for the first \$50,001 + \$5 for each additional thousand or fraction thereof \$100,001 to \$500,000: \$700 for the first \$100,001 + \$5 for each additional thousand or fraction thereof \$500,001 and up: \$2,500 for the first \$500,001 + \$5 for each additional thousand or fraction thereof	0.35 cents per sqft for commercial, multi-family, and mixed-use + \$40 landscape inspection fee for new construction
Residential Plan Review	\$50 + \$0.01 per sqft for residential plan review	N/A	10% of building permit fee

Fee	St Tammany Parish	City of Covington	City of Mandeville
Commercial Plan Review	\$150 base fee + \$0.01 per sqft for commercial plan review	4% of permit fee	10% of the permit fee (applies to all permits)
Change of Use (Commercial Only)	\$250	N/A	N/A
Pool	\$300 + \$0.10 per sqft	0.25 cents per sqft of building area	\$0.30 per sqft + plan review + 3 electrical inspections
Fence	N/A	\$25	\$50 + plan review
Demolition	\$100 residential, \$250 commercial	\$50	\$100
Moving	N/A	\$100	per inspection fee amount
Paving Permit	N/A	N/A	per inspection fee amount
Gas Residential	\$140 Base Fee + \$1 per drop	N/A	\$60 per inspection + \$2 for each fixture, circuit or system
Gas Commercial	2 % of the executed gas contract, minimum \$140	N/A	\$60 per inspection + \$2 for each fixture, circuit or system
Plumbing Residential	\$140 Base Fee + \$1 per fixture	N/A	\$60 per inspection + \$2 for each fixture, circuit or system

Fee	St Tammany Parish	City of Covington	City of Mandeville
Plumbing Commercial	2 % of the executed plumbing contract, minimum \$140	N/A	\$60 per inspection + \$2 for each fixture, circuit or system
Electrical Residential (New Construction)	\$140 Base Fee + \$2.00/Circuit	N/A	\$60 per inspection + \$2 for each fixture, circuit or system
Electrical Residential (Existing)	\$140 Base Fee + \$2.00/Circuit	N/A	\$60 per inspection + \$2 for each fixture, circuit or system
Electrical Commercial	1 % of the executed electrical contract	N/A	\$60 per inspection + \$2 for each fixture, circuit or system
Temporary Pole	N/A	N/A	N/A
1st Inspection	\$100	\$25 for residential including pools, \$60 for all others	\$60
2nd Reinspection	\$100	\$100	\$120
3rd Reinspection	\$100	\$100	\$180
4th Reinspection	\$100	\$100	\$240
Signage	\$300 + \$0.31 per sf of fascia	\$50 for permanent, \$25 for temporary	Electrical Sign: \$25 per face up to 32 sqft, each additional sqft is \$0.50 + \$25 application fee Non-electrical Sign: \$15 per face up to 32 sqft, each additional sqft is \$0.50 + \$25 application fee

Fee	St Tammany Parish	City of Covington	City of Mandeville
Tree Removal/Land Clearing	\$250	\$25	\$40/\$50 for Land Clearing
General Contractor Registration	\$100	N/A	\$250/\$50 renewal
Subcontractor Registration	\$100	N/A	\$50/\$20 renewal
Electrical Registration	\$100	N/A	\$50/\$20 renewal
Plumbing and Gasfitting Registration	\$100	N/A	\$50/\$20 renewal
Zoning Text Change	N/A	N/A	N/A
Zoning Map Change	\$100 per acre, max \$5000 + \$150 advertising fee	\$800 for single-fam, \$800 + \$100/parcel maximum \$2,500 for multi-fam and commercial	\$250 per acre max \$2000 for residential zones, \$500 per acre max \$2000 all other zones
PUD	\$500	\$1,000 + \$100 per parcel maximum \$5,000	N/A
Major PUD Amendment	N/A	\$500	N/A
Minor PUD Amendment	N/A	\$200	N/A
Variance	\$250 + \$150 advertising fee	\$400	\$100

Fee	St Tammany Parish	City of Covington	City of Mandeville
After-the-Fact Variance	\$750	\$500	N/A
Performance Standard Review/Administrative Use	\$50	\$500	N/A
Multi-Family Use	N/A	N/A	N/A
Conditional Use	\$500 + \$75 advertising fee	\$325 (Appeal fee \$200)	\$500
Administrative Subdivision	N/A	\$75 per acre or fraction thereof, maximum \$500	
Resubdivision/Minor	\$500 + \$75 advertising if applicable	\$75 filing fee + \$25 per subdivided lot for preliminary and final plat approval	\$500
Major Subdivision	\$500 filing fee + \$40 per lot + \$75 advertising fee for tentative, \$80 per lot + \$75 advertising fee for preliminary, \$150 per lot + \$500 inspection fee + \$75 advertising fee for final	\$100 filing fee + \$15 per subdivided lot for tentative approval, \$150 filing fee + \$25 per subdivided lot for preliminary approval, \$75 per acre (max. \$500) + \$30 per lot for final approval + \$200 mailing fee	\$5,000 + \$100 per lot for low-density residential subdivisions more than 5 acres, \$250 per lot for low-density residential less than 5 acres, \$0.05 per sqft of acreage for high-density residential, \$5,000 + \$1000 per acre over 2.5 acres for nonresidential