

**ORDINANCE
(AS AMENDED)
CITY OF NEW ORLEANS**

CITY HALL: August 25, 2006

CALENDAR NO.: 26,208

NO. 22356 MAYOR COUNCIL SERIES

BY: COUNCILMEMBERS THOMAS AND FIELKOW (BY REQUEST)

AN ORDINANCE to amend and reordain Division 4 of Article IV of Chapter 26 of the Code of the City of New Orleans to add a new section thereto, to be designated Section 26-263, to establish additional procedures for enforcement of provisions of this code; and otherwise to provide with respect thereto.

1 **SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**

2 **ORDAINS** that Division 4 of Article IV of Chapter 26 of the Code of the City of New
3 Orleans be and the same is hereby amended and reordained to add a new section thereto, to
4 be designated as Section 26-263, to read as follows:

5 **“Section 26-263. Procedures.**

6 a) After August 29, 2006, the City of New Orleans may begin the inspection
7 process and notify the owner of record of each dwelling or dwelling unit,
8 residential or commercial structure that is found to be in violation of Sections
9 26-257, 26-258 or 26-262 of this Code. This notice shall notify the owner of
10 the violation by regular mail to the last known address of the property owner,
11 and shall list the violations found, and shall provide notice that the owner has
12 30 days to bring the property into compliance with the ordinance. This notice
13 will provide as follows:

14 **“The City of New Orleans through the Code Enforcement Division of**
15 **Neighborhood 1 has determined that the property located at**
16 _____ **is in violation of the provisions of Section**
17 **26-257, 26-258, or 26-262 of the Code of the City of New Orleans. To avoid**
18 **further action by the City, please bring this property into full compliance**
19 **by undertaking mold remediation, cleaning, gutting and properly securing**
20 **the premises, and removing all public nuisance and/or blight violations**
21 **within 30 days from the date of this notice. The following community**
22 **advocacy groups and local agencies can assist you in this process for**
23 **remediation if you qualify for their services:**

- 24 **ACORN**
- 25 **Associated Catholic Charities**
- 26 **Common Ground**
- 27 **Eastbank UM Recovery**
- 28 **Hands On**
- 29 **Nazarene Disaster Response**
- 30 **Operation Blessing**
- 31 **Operation Nehemiah**
- 32 **Rebuilding Hope in New Orleans**
- 33 **Relief Spark**
- 34 **Phoenix of New Orleans**
- 35 **Samaritan’s Purse**
- 36 **School of Urban Mission**

37 **Southern Baptist Disaster Relief/Operation Noah**

38 **Total Community Action**

39 **United Church of Christ**

40 **Uptown UM Recovery**

41 **Westbank UM Recovery**

42 **Episcopal Diocese Office of Disaster Response**

43 **For further information please contact the Office of Code Enforcement at**

44 **504-658-4200 or at www.cityofno.com.**

45 b) After 30 days has elapsed, the property shall be reinspected to confirm whether
46 the property has been brought into compliance. If the property owner has failed
47 to comply, and the property remains in violation, a second notice will be mailed
48 via regular and certified mail to the last known address for the property owner,
49 as well as posted on the property, and published on the City website. This
50 notice shall notify the property owner of the failure to comply and the date and
51 location of the hearing scheduled to adjudicate this matter. It shall include the
52 same information as outlined in (a) above, and shall set forth the penalties that
53 may be imposed if judgment is rendered against the property owner. In the
54 interest of the public health, safety and well being of all citizens, properties
55 determined to be public nuisance and that remain in violation, the City has the
56 right to enter private property, gut and remediate the property and put a lien on
57 it requiring the property owner to reimburse the City for the costs of the
58 remediation. The cost for remediation as incurred by the City shall be in
59 addition to other penalties and hearing costs as set forth and/or that may be

60 imposed if judgment is rendered against the property owner. The City reserves
61 the right to remediate immediate health and safety hazards at the property
62 pending administrative hearing process through final judgment.

63 c) Cases shall be referred to the administrative hearing officer and placed on the
64 administrative hearing docket for determination of whether the nuisance should
65 be demolished, determined to be blighted, or determined to have been abated.
66 The property owner or their duly authorized representative will be given the
67 opportunity to present reasons why the property should be determined to be in
68 compliance with the law, or reasons why, for reasons of hardship, that they
69 should not have a judgment rendered against them. Acceptable reasons for a
70 hardship exemption, which shall be liberally construed, shall include, but not be
71 limited to,

72 1) Property owner has made arrangements for demolition or
73 remediation through a contractor, demonstrated by means of a
74 written contract for said services, but that the contractor has not yet
75 been able to complete the job. A reasonable grace period of 60 days
76 will be afforded to property owners for this work to be completed.
77 An affidavit attesting to the same must be provided by the property
78 owner to the administrative hearing officer.

79 2) Property owner has signed up for remediation services through an
80 authorized non-profit agency, who can provide documentation of
81 such an arrangement, but which agency has not been able to
82 complete the job. A reasonable grace period of 60 days will be

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afforded to property owners for this work to be completed.

3) Property owner has signed up with the City of New Orleans for voluntary demolition and completed the application therefor, but the work has not been completed.

4) Property is owner-occupied residential property or residential rental property owned by a person 65 years of age or older and located in the Lower Ninth Ward (area bounded by the Mississippi River, the Industrial Canal, Florida Avenue, and the St. Bernard Parish line).

d) All hearings are open to the public.

e) The administrative hearing officer will render a decision, which may be one of the following:

1) Property owner is found liable of “allowing a public nuisance violation” and the property should be demolished and/or “allowing a blighted property”.

2) Property owner is given additional time to bring the property into compliance due to a hardship.

3) Property owner is found to be in compliance with the Public Nuisance Ordinances.

f) The property owner will be provided with a true copy of the judgment rendered.

g) Appeals. Upon issuance of the Judgment of Public Nuisance violation, the property owner has thirty (30) days from the date of the executed judgment to file an appeal in Civil District Court. If no appeal is filed within thirty (30) days, the judgment will be deemed final.

106 h) The judgment of the administrative hearing officer shall be filed with the
107 Recorder of Mortgages for the Parish of Orleans.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS AUGUST 25, 2006

OLIVER M. THOMAS, JR.
PRESIDENT OF COUNCIL

DELIVERED TO THE MAYOR ON AUGUST 28, 2006

APPROVED:
~~DISAPPROVED:~~ AUGUST 30, 2006

C. J. NAGIN
MAYOR

RETURNED BY THE MAYOR ON AUGUST 31, 2006 AT 11:05 A.M.

PEGGY LEWIS
CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS: Carter, Fielkow, Head, Hedge-Morrell, Midura, Thomas, Willard-Lewis - 7
NAYS: 0
ABSENT: 0

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THE FOREGOING IS CERTIFIED
TO BE A TRUE AND CORRECT COPY



CLERK OF COUNCIL