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Division of Code Enforcement/Property Standards

ARTICLE I. - ORDINANCE PROVISIONS

Sec. 19-01

Declaration of legislative intent, and purpose

(A)

The Chief of Police finds and declares that there exists in the corporate limits of the Town of Homer, deteriorating conditions of residential, non-residential, and other premises which are detrimental to the health, safety and welfare of the general public. The conditions of deteriorating premises and the structures located thereon create a haven for criminal activity, reduce tax revenues, decrease social values and depreciate the economic value of property. As a result of the condition of deteriorating premises within the Town of Homer, the Chief of Police, the Mayor and city council finds it has a compelling interest and purpose in the abatement of these nuisances.

(B)

It is the purpose and intent of this ordinance to promote the health, safety and welfare of the citizens of the Town of Homer. The standards established under the provisions of this ordinance are designed to prevent and eliminate unsafe, unsanitary and deteriorating conditions of premises located within the corporate limits of the Town of Homer.

(C)

The provisions of this ordinance shall be liberally construed and apply to residential, non-residential and other premises located within the corporate limits of the Town of Homer.

(D)

The provisions of this ordinance shall be applicable to all premises and structures existing, constructed or relocated within the corporate limits of the Town of Homer.

Sec. 19-02

Power not affected

(A)

Nothing in this ordinance shall impair or limit the power of the Chief of Police or the Town of Homer, to define and declare nuisances and to cause their removal or abatement by summary proceedings.

(B)

Nothing in this ordinance shall abrogate or impair the power of the courts or any department of the Town of Homer to enforce any provision of state law, Town Charter or ordinances enacted by the Mayor and council.

(C)

The imposition of any penalty hereunder shall not preclude the Town of Homer attorney or other appropriate authority from instituting injunctive, mandamus, or other appropriate action or proceedings to correct or abate any violation under the provisions of this ordinance.

Sec. 19-03

Definitions

For the purposes of this ordinance, unless the context clearly requires otherwise, the following definitions shall have the meaning ascribed in this ordinance and be equally applicable to the masculine and feminine genders and the singular and plural forms of any of the defined terms:

Agent shall mean any authorized person in control of any property situated in the Town of Homer who is either managing, occupying, overseeing or in custody of such property by reason of power of attorney, contract or agreement, whether written or verbal, or other permission of the record owner of the property.

Alter or alteration shall mean any change or modification in construction or occupancy of any structure subject to the provisions of this ordinance or other applicable provisions of law.

Approved shall mean approved by the Chief of Police, Mayor and or the city council.

Basement shall mean the lowest story of a building or structure located completely below grade.

Board shall mean the Chief of Police, Mayor and elect City Council person of the district where the appeal stems from.

Boathouse shall mean a building or structure utilized for the purpose of storing or housing boat(s).

Garbage shall mean the animal or vegetable waste resulting from the handling, preparation, cooking and/or consumption of food.

Grade shall mean the degree of rise or descent of a natural surface of the ground level after completion of any change in contour.

Historic structure shall mean any building or structure of historical or architectural distinction listed on any national, state or local historic register.

Infestation shall mean the inhabitation in large numbers of insects, rodents or any other pest within or around a dwelling, building or structure.

Motor vehicle shall mean any vehicle, including but not limited to, a motor home designed, constructed and equipped to be used as a self-propelled conveyance on a public roadway.

Non-operating motor vehicle shall mean a motor vehicle which is incapable of being moved under its own power.

Non-residential buildings shall mean a building which is primarily designed and/or zoned for commercial and public purposes.

Nuisance shall mean the condition of any premises which is dangerous or potentially dangerous to human life or detrimental or potentially detrimental to the health, safety and welfare of the citizens of the Town of Homer including, but not limited to, the following:

(1)

Any condition or use of any land, building, structure or dwelling, or any operation thereon or therein that causes or may cause a person to desire to examine such condition, use or operation, and that is reasonably calculated to cause harm to such person, whether the condition, use or operation is located in a building or structure, on the premises of a building, or on a vacant lot. This subsection includes, without limitation, any abandoned wells, shafts, basements, refrigerators, motor vehicles, swimming pools, structurally unsound fences, retaining walls, driveways, parking areas, or other structures, or any lumber, trash, debris or vegetation reasonably calculated to be a hazard or which poses or may potentially pose a threat to the health or safety of anyone.

(2)

The keeping, retaining, or depositing on, or the scattering over the premises of any of the following:

A.

Lumber, fallen trees, trash, garbage, debris, glass or building material;

B.

Weeds, grass and wild growth in violation of section 19-15 or weeds, grass, or saplings allowed to grow around any exterior wall of any structure, or stands of bamboo which generate any type of vermin or which may provide cover for criminal activity;

C.

Abandoned, discarded or unused objects or equipment including, but not limited to automobiles, boats, motorcycles, motor homes, furniture, appliances, cans or containers; and/or

D.

Standing water in any receptacle.

(3)

Any dwelling, building, structure, premises or the use thereof which is unsanitary, unclean, dangerous or potentially dangerous to the physical health or safety of any person, or which, as a result of its condition, may generate criminal activity, such as graffiti.

(4)

Every vacant dwelling unit with an in ground or above ground swimming pool must have all gates accessing pool area securely locked.

Occupant shall mean any person in control or possession of any dwelling, building or part thereof, including an owner, tenant, or lessee.

Occupied property shall mean a lot, plot or parcel of property, with a structure located thereon, which is in current use as a residence or dwelling.

Openable area shall mean that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Owner shall mean the person specified in the last deed of record in the conveyance records of Claiborne Parish.

Party in interest shall mean:

(1)

Any person, including the owner of the title or a mortgage whose interest is shown of record in the mortgage and conveyance records of Claiborne Parish;

(2)

The person shown as owner in the records of the tax assessor of the parish in which the property is situated;

(3)

The agent of any such person and those in possession of a dwelling, dwelling unit or premises; or

(4)

Any party whose property has been sold for delinquent taxes within the three years preceding the date of issuance of the citation or notice of violation under the provisions of this ordinance.

Person shall mean an individual, unincorporated association or legal entity.

Personality shall mean personal property of any kind including but not limited to machinery, implements and/or equipment.

Pier shall mean a structure built over the water and supported by pillars or piles used as a landing place.

Piling shall mean a heavy timber, concrete or steel beam driven into the earth as a structural support.

Placard shall mean a public notification that the structure has been condemned and the use or occupancy has been prohibited by law.

Plumbing facility shall mean all plumbing hardware, connections, fixtures and piping required to supply water and sewer throughout the entire structure from the Town of Homer operated water and sewer system.

Premises shall mean a lot, plot or parcel of land, including any residential or nonresidential buildings or structures located thereon. The term "premises" shall be construed to include "any part thereof or any property located thereon."

Public area shall mean an unoccupied open space on the same property as an adjoining building which is permanently maintained and free of all encumbrances which may interfere with its use and accessibility by the fire department, police department, or other city personnel.

Repair shall mean to restore to a sound or good state after decay, dilapidation, or partial destruction with workmanship and newly purchased materials.

Residential buildings shall mean any building or structure occupied by persons, families or households in which sleeping accommodations are provided.

Responsible party shall mean the person determined by this ordinance as having the responsibility to abate any violation of section 19-04 or 19-05 of this ordinance.

Rubbish shall mean combustible and noncombustible waste materials, except garbage including, but not limited to, the residue from the burning of wood, coal, coke and other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metal mineral matter, glass, crockery and dust.

Secure (secured) shall mean the closing of a building or structure by means of placing or attaching boards over doors, windows and other means of entrance in order to prohibit persons from entering the building or structure, and to maintain the building or structure in its present condition without further damage or danger to the public welfare and safety.

Stairway shall mean one or more flights of stairs and the landings and platforms connecting them to form a continuous and uninterrupted passage from one story to another in a building or structure.

Story shall mean any horizontal section or division of a building or structure, extending from the floor to the ceiling or roof lying directly above.

Structure shall mean an edifice, trailer, or building of any kind, which is attached to the ground, or any piece of work artificially composed of parts joined together in some definite manner. The term "structure" shall be construed to include "any part thereof."

Tenant shall mean a person, corporation, partnership or other entity who has the temporary use and occupation of a building or structure, or portion thereof, which is owned by another person or entity.

Unoccupied property shall mean a lot, plot or parcel of property with a structure located thereon which is not in current use as a residential or nonresidential dwelling, building or structure.

Unsheltered storage shall mean any storage which is not completely enclosed.

Vacant property shall mean a lot, plot or parcel of property with no structure located thereon.

Yard, front shall mean the open, unoccupied space or grounds next to a building or structure, situated between the street line and the front line of the building and projected to the side lines of the building site. The depth of the front yard shall be measured between the front line of the building and the street line.

Yard, rear shall mean the open, unoccupied space or grounds next to a building or structure, situated between the rear line of the building site and the rear line of the building projected to the side lines of the building site. The depth of the rear yard shall be measured between the rear line of the building site and the rear line of the building.

Yard, side shall mean an open, unoccupied space or grounds next to a building or structure, situated between the side line of the building and the adjacent property line or street line, if a street exists, and extending from the rear line of the front yard to the front line of the rear yard; if no front yard is provided, the front boundary of the side yard shall be the front line of the building site, and if no rear yard is provided, the rear boundary of the side yard shall be the rear line of the building site.

Sec. 19-04

General requirements for buildings; responsibilities of the owner

No owner, party-in-interest, or agent shall occupy, lease or sublease any building or structure designed or intended to be used for residential or nonresidential purposes located within the corporate limits of the Town of Homer which does not comply with the following minimum requirements of this ordinance or the requirements of section 19-05 of this ordinance. The municipal address of any such residential or nonresidential building or structure shall be posted on the front of each main structure in a conspicuous place that is visible from the street. The municipal address numbers and/or letters shall be a minimum of three inches and shall be the address on file with the Clerk of Courts office.

(1)

Residential

No owner, party-in-interest or agent shall lease or sublease, or allow any person to occupy, any dwelling or dwelling unit designed or intended to be used for the purpose of residential living, sleeping, cooking or eating therein, or otherwise maintain any unoccupied dwelling or dwelling unit located within the corporate limits of the Town of Homer which does not comply with the following requirements.

All requirements of the following subsection shall be deemed to be the responsibility of the owner or party-in-interest:

A.

Foundation

The building foundation system shall be maintained in a safe manner and be capable of supporting the load which normal use may cause to be placed thereon.

B.

Exterior walls

Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers and any other condition which could potentially admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All siding material shall be sufficiently maintained in good repair and be weather resistant and water tight.

C.

Roofs

Roofs, gutters, downspouts and other appurtenances shall be structurally sound and maintained in a safe manner and have no defects which could potentially admit rain or cause dampness in the walls or interior portions of the building.

D.

Means of egress

Every dwelling shall have safe, unobstructed means of egress and shall open from the inside.

E.

Stairs, porches and appurtenances

Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and be capable of supporting the load that normal use may cause to be placed thereon, and shall be maintained in sound condition and good repair.

F.

Protective railings

Protective railings shall be required on any porch or other path of ingress or egress over 30 inches from ground level or on any steps containing four or more risers.

G.

Windows and doors

Every window and/or exterior door shall be substantially weathertight, watertight and rodent-proof and shall be maintained in sound working condition and good repair.

H.

Windows to be openable

Except as otherwise provided herein, every window required for light and ventilation for a habitable room that is designed to be opened shall be capable of being easily opened and secured in position by properly functioning window hardware. However, if multiple windows exist in the room, at least one window shall be unobstructed and capable of being easily opened and secured in position by properly functioning window hardware.

I.

Hardware

Every exterior door shall be provided with proper hardware and maintained in good condition.

J.

Protective treatment

All exterior wood surfaces, other than decay resistant woods, shall be free of holes, breaks or loose or rotting board or timber and any other condition which could potentially be protected from the environment and decay by painting or other protective covering or treatment. All siding shall be weather resistant and watertight. All masonry joints shall be sufficiently tuck pointed to ensure water and air tightness.

K.

Accessory structures

Garages, storage buildings and other accessory structures shall be maintained in good repair and sound structural condition.

L.

Structural supports

Every structural element of the dwelling shall be maintained structurally sound and demonstrate no evidence of deterioration which would render it incapable of carrying loads which normal use may cause to be placed thereon.

M.

Interior

P.

Plumbing fixtures

1.

All plumbing fixtures shall be maintained in a safe and usable condition.

2.

Water supply lines, vents, and drains shall be maintained in working order and shall be kept free from obstructions, leaks, and defects and shall be capable of performing the function for which they are designed.

Q.

Water and sewer system

1.

Properly functioning water and sewer service lines shall be established and maintained at all times that the dwelling unit is occupied.

2.

Each lavatory, bathtub or shower, drinking fountain, water closet, or other plumbing facility shall be properly connected to a public water system at all times that the dwelling unit is occupied.

3.

Water heating facilities shall be installed in a safe manner and properly connected to water lines to the fixtures required to be supplied with the hot water at all times that the dwelling unit is occupied.

R.

Heating equipment

Each dwelling unit shall be supplied with sufficient heat or heating equipment at all times that the dwelling unit is occupied.

S.

Electrical facilities

1.

All electrical facilities shall be installed and maintained in a safe manner which complies with state and federal codes in effect when the structure was built or substantially remodeled.

2.

All electrical outlets shall be covered by protective plates or covers.

(2)

Nonresidential

No person, owner, party-in-interest, agent or tenant shall occupy, lease or sublease any building or structure designed or intended to be used for nonresidential purposes located within the corporate limits of the Town of Homer which does not comply with the Standard Building Code.

(3)

Enforcement

The Property Standards Officer shall be authorized to issue a citation to any owner or party-in-interest for violations of any provision of this ordinance. The citation shall be served as provided in section 19-21 of this ordinance.

Sec. 19-05

Responsibilities of the owner or other party

(A)

The requirements of this ordinance may be the responsibility of the tenant, the owner, or the party-in-interest. However, unless the tenant is made the responsible party in a lease agreement, there shall be a rebuttable presumption that the requirements of this ordinance are the responsibility of the owner.

(1)

Exterior

The exterior of a structure and the premises on which it is located shall be maintained in sanitary condition so as not to pose a threat to the health, safety or welfare of the general public.

(2)

Infestation

A structure and the premises on which it is located shall be kept free from infestation, and where infestation is found, the area shall be promptly exterminated by processes which are not injurious to human health.

(3)

Water and sewer account. The responsible party shall establish a water and sewer account and shall maintain such account continually for any property located within the corporate limits of the Town of Homer which property is used or intended to be used, occupied, leased or subleased for residential purposes.

(4)

Cooking equipment

The responsible party shall maintain all cooking equipment, components, and accessories. Every cooking device shall be maintained free from leaks and water flow obstructions, and shall be kept properly functioning so as to be free from fire, health, and safety hazards.

(5)

Electric service

The responsible party shall establish electric service and shall maintain such service continually for any property located within the corporate limits of the Town of Homer which property is used or intended to be used, occupied, leased or subleased for residential purposes.

(6)

Garbage or rubbish

The responsible party shall not permit garbage or rubbish to accumulate in stairways, passageways, doors, windows, fire escapes, or other means of egress at any time.

(B)

Enforcement

The Property Standards Officer shall be authorized to issue a citation to a tenant, an owner or a party-in-interest for violation of any provision of this ordinance. The citation shall be served as provided in section 19-21 of this ordinance.

Sec. 19-06

Propane cooking devices; prohibition; exception

Cooking devices using propane shall be prohibited for use inside any dwelling or dwelling unit located within the corporate limits of the Town of Homer. The foregoing provision shall not apply to residential type food trays or salvers which are heated by a candle or alcohol lamp and which have received all necessary and legally required approvals.

DIVISION 2

BOATHOUSES AND PIERS

Sec. 19-07

General requirements for boathouses and piers

No person shall lease or sublease, or otherwise use any boathouse or pier for the purpose of living or sleeping or otherwise maintain any such property within the corporate limits of the Town of Homer which does not comply with the following requirements or in which any combination of the following conditions exists:

(1)

Boathouse

The boathouse has become deteriorated as a result of exposure to the environment, wind, rain or fire damage, and the roof, windows, doors or portions of the structure are not capable of protecting the building and/or its contents from the weather, or the structure cannot be used for its intended purpose.

(2)

Piers

The pier has become structurally deteriorated, in danger of collapse, cannot withstand the forces of nature, or is not capable of supporting the load which normal use may cause to be placed thereon.

(3)

Posts and pilings Posts or pilings that remain from an inoperable or unstable pier, boathouse, duck blind or other structure shall be completely extracted from the water bed or, if complete extraction is not possible, cut off even with the water bed and removed.

(4)

Municipal address required. Boathouses and/or piers located behind any structure which has an address issued by any governmental entity must post that address and street name with minimum three-inch numerals and block letters in a conspicuous place visible from the body of the lake. Only one posting per address is required.

DIVISION 3

DEMOLITION

Sec. 19-08

Demolition; generally

(A)

Except as otherwise provided in subsection 19-20(c), the owner, party in interest or the owner's designated agent shall repair, demolish and remove any building or structure located within the corporate limits of the Town of Homer in accordance with the notice of violation served by the Property Standards Officer, or in the case of an appeal, the decision of the Board of appeals.

(B)

In the event the owner or his designated agent fails or refuses to comply with an order issued under the provisions of subsection (a), the Property Standards Officer, at the direction of the Board, may proceed with the demolition or removal of the building or structure. The Town of Homer shall indemnify and hold harmless each official or officer of the Town of Homer including, but not necessarily limited to, its elected officials, agents, employees and any person appointed to the Board by the Chief of Police or Mayor, from any loss due to attorney fees, court costs, judicial interest, or award of monetary damages arising out of any claim, demand, suit or judgment in any court by reason of alleged negligence or other act, resulting from the demolition or removal of any building or structure authorized under the provision of this subsection, if that person, at the time damages were sustained, was acting in the discharge of his duties and within the scope of his office of employment and such damages did not result from an intentional wrongful act or gross negligence.

(C)

Prior to the demolition or removal of a building or structure under the provisions of subsection (b), any entity providing utility connections to the building or structure shall be notified by the Property Standards Officer of the scheduled demolition or removal of such building or structure. The notification shall include a request to discontinue utility service to the building or structure.

Sec. 19-09

Emergency

(A)

In case of a grave public emergency where the condition of an unoccupied building or structure presents a threat of extreme hazard or immediate loss or damage to any person or property, the Property Standards Officer may order the structure demolished after a 24 hour notice has been served upon the owner, the owner's agent or any party in interest as provided herein. The notice required under the provisions of this ordinance shall state the specific reason(s) the condition of the building or structure presents a public emergency. Notice of emergency demolition shall be served to the owner and/or party in interest by personal service or certified mail delivery as provided herein.

(B)

Any person aggrieved by the decision of the Property Standards Officer under the provisions of subsection (a) shall have the right to appeal the decision to the Chief of Police, provided such petition is filed within 24 hours of receipt of the Property Standards Officer's order.

DIVISION 4

PARKING AND STORAGE OF VEHICLES; STORAGE OF PERSONALTY

Sec. 19-10

Exterior storage of non-operating vehicles prohibited

No person in charge of or in control of any dwelling, dwelling unit or premises, whether owner, lessee, tenant, occupant or otherwise shall allow a non-operating motor vehicle to remain on such property for a period exceeding seven days; and no person shall leave any such property within the Town of Homer for a period exceeding seven days. There shall be a presumption that the last registered owner of the vehicle has abandoned the vehicle on such property regardless of whether the physical possession of such vehicle remains in the technical custody or control of such owner, if it has remained incapable of being moved under its own power for a period of seven

days. Storage of such vehicles for a period exceeding seven days shall be in a completely enclosed building. The only exception will be a vehicle approved cover that will completely cover the vehicle and will have to be moved to the rear of the property, out of view of the public. All covered vehicles shall have aired up tires, fully intact up and not broken out windshields and door windows. The area around the vehicle is to be kept cleaned and groomed with no over grown grass or weeds around it. The covered vehicle shall not have collected debris around or underneath it due to elements of the weather. This covered vehicle shall not be used as a storage unit for personalty or other vehicle parts.

Sec. 19-11

Notice

Upon determining that a violation of this ordinance has occurred, the Property Standards Officer shall securely affix a notice of violation to the vehicle, and notify the owner of the property on which the vehicle is located that it will be removed by the Town of Homer upon the failure of the owner of the property to remove the vehicle within the period of time stipulated on the notice. The notice of violation issued under the provision of this ordinance shall be sent by certified mail, return receipt requested, to the last known owner of the lot or parcel of ground upon which the inoperable vehicle is located as determined by the conveyance records of Claiborne Parish. Any vehicle remaining at any dwelling, dwelling unit or premises following the expiration of ten days from the date of receipt of the notice shall be deemed to be public property and shall be disposed of by the procedures established by the Town of Homer.

DIVISION 5

NUISANCES

Sec. 19-12

Nuisance generally

(A)

Any nuisance defined under **section 19-03** which exists at any dwelling, dwelling unit, premises or vacant property within the corporate limits of the Town of Homer shall be demolished or otherwise abated by the owner, party in interest, tenant, lessee or occupant of such dwelling,

dwelling unit, premises or vacant property upon receipt of a duly served notice of violation issued under the provisions of this ordinance.

(B)

In the event the owner, party in interest, tenant, lessee or occupant of such dwelling, dwelling unit, premises or vacant property fails or refuses to demolish or otherwise abate any nuisance after receipt of a duly served notice of violation issued under the provisions of this ordinance, the Town of Homer may demolish or abate such nuisance by the utilization of city resources or a private contractor in accordance with section 19-17.

(C)

In the event the owner, party in interest, tenant, lessee or occupant of such dwelling, dwelling unit, premises or vacant property is not known or the location of the owner cannot be determined, the Town of Homer may demolish or abate such nuisance by the utilization of city resources or a private contractor in accordance with section 19-17.

(D)

Nothing in this ordinance shall impair or limit the power of the Property Standards Officer to issue written citations for violations under this ordinance to any owner, party in interest, tenant, lessee or occupant under the provisions of section 19-21.

Sec. 19-13

Storage of Personalty

(A)

Except as otherwise provided herein, no person in charge of or in control of a dwelling, dwelling unit or premises, whether as owner, lessee, tenant, occupant or otherwise allow the storage of personalty on such property unless the same shall be stored within an enclosed structure. Storage of personalty on any such property in any manner contrary to the provisions of this ordinance is hereby declared to be a nuisance and dangerous to the public safety. Removal of such nuisance may be accomplished by the utilization of city resources or a private contractor, in accordance with section 19-17, if the owner is not known, the location of the owner cannot be determined or the owner fails to remove such nuisances.

(B)

The provisions of this ordinance shall not apply to licensed junkyards or other uses in lawfully operating within the corporate limits of the Town of Homer.

DIVISION 6

SWIMMING POOLS

Sec. 19-14

Maintenance of swimming pools

(A)

Harbor or infestation

Any owner, party in interest, tenant, lessee or occupant of a dwelling, dwelling unit, premises or property having a swimming pool or manmade pond located thereon shall maintain the swimming pool or pond in the following manner:

(1)

The swimming pool or pond shall not harbor or become infested with mosquitoes, vermin or other pests;

(2)

The swimming pool or pond shall not harbor or support submergent or emergent vegetation.

(3)

All swimming pools (in ground or above ground) access gates shall be locked at all times that structure sits in a vacant state with no renter, lessee or any other permanent resident.

(4)

The Property Standards Officer shall be authorized to secure any unsecured entrance to any pool area at any vacant structure by any means necessary to ensure public safety after notification as required by this ordinance.

(B)

Enforcement

The Property Standards Officer shall be authorized to issue a citation or notice of violation to any owner, party in interest, tenant, lessee or occupant of any dwelling, dwelling unit, premises, or property who shall fail to maintain the swimming pool or pond in accordance with the provisions of this ordinance. The citation or notice shall be served upon the owner, party in interest, tenant, lessee or occupant as provided in this ordinance. The institution of legal proceedings against any owner, party in interest, tenant, lessee or occupant of any such property shall not prevent the Town of Homer from abating the violation by use of city resources or a private contractor as provided in section 19-17.

DIVISION 7

WEEDS AND GRASS

Sec. 19-15

Grass and weeds and wild growth

(A)

The owner, party in interest, tenant, lessee or occupant of a dwelling, dwelling unit, premises, vacant lot or occupied, unoccupied, vacant, residential and nonresidential properties located within the Town of Homer shall be required to cut, destroy or remove weeds, grass, harmful or unhealthy growths or other obnoxious or wild matter growing, lying or located in or on any such property with a height equal to or greater than 12 inches and to cut, destroy or remove such weeds, grass, harmful or unhealthy growths or other obnoxious or wild matter lying or located in or on any sidewalk abutting any such property or encroaching upon adjacent property by natural growth or by growth through, over or under fences or walls, regardless of height. No growth described in this subsection shall be allowed to interfere with the passage of any pedestrian on any sidewalk nor shall any such growth be allowed to obscure the clear line of vision of any motorist. Responsible parties shall insure that concrete curbs adjacent to property are trimmed or edged and shall be responsible for vegetation maintenance to the edge of any abutting street surface.

(B)

The owner, party in interest, lessee, or other person in control of any undeveloped, heavily wooded or otherwise inaccessible vacant property which is adjacent to or abutting developed lot(s) or tract(s) shall mow, cut or otherwise clear approximately a minimum of a 25-foot buffer between the developed and undeveloped tracts or acreage. The Property Standards Officer has

of Homer shall be entitled to assess and collect all costs incurred in performing such work, together with an administrative charge of \$150.00. This charge shall be levied on any case appealed prior to the granting of any time extension by the Chief of Police, Mayor or by the city council.

(B)

The Town of Homer shall have a lien and privilege for the cost of performing any work, or abating any violation pursuant to the provisions of this ordinance or applicable provisions of state law, against the property upon which the work was performed or the violation(s) abated, and shall be entitled to enforce its lien in accordance with the provisions of this ordinance and applicable provisions of state law.

(C)

In order to preserve the lien and privilege, it shall be the duty of the mayor to prepare and sign a sworn statement of facts, giving the description of property and the approximate cost of abating the violation, which statement of fact shall be filed and recorded in the office of the Claiborne Parish Clerk of Court. The Town of Homer shall be entitled to recover the amount of costs and expenses, together with court costs and attorney's fees, by ordinary process in a court of appropriate jurisdiction. No suit or proceeding to contest the validity of any lien filed pursuant to this ordinance shall be initiated in any court after the expiration of 30 days from the date the lien is filed and recorded.

(D)

The lien and privilege authorized by this ordinance shall continue to accrue interest, which amount shall be paid prior to the cancellation of the lien. The rate of interest shall not exceed the rate of legal interest, as provided under applicable provisions of the Louisiana Civil Code, and shall be computed from the date of recordation of the lien until paid or enforced.

(E)

The Town of Homer's lien and privilege shall prime all other liens or privileges against the property after the notice to the owner and party in interest is filed with the Claiborne Parish Clerk of Court, regardless of the date on which the Town of Homer's lien and privilege is perfected, except that the Town of Homer's lien and privilege shall be subordinate to other tax liens filed against the property.

(F)

After the Town of Homer has incurred costs and expenses which constitute the lien and privilege on the property under the provisions of this ordinance, the Claiborne Parish Tax Assessors Office may include the amount of such costs and expenses to the succeeding ad valorem tax obligation

of the owner and party in interest, and such amount shall be subject to the same interest and penalties as delinquent ad valorem taxes.

(G)

If within three months after the filing of the lien authorized under the provisions of subsection (a), the property owner or party in interest fails to pay such lien and any interest thereon, the Claiborne Parish Tax Assessors Office shall have the authority to offer for sale and subsequently sell or otherwise convey such property for the amount of all municipal liens operating against the property and interest thereon. The amount of any municipal lien operating against the property and interest accruing thereon, except a paving lien, may also be canceled in whole or in part by the Town of Homer in order to facilitate the sale or disposition of the property for the unpaid lien, or to enable a governmental agency or an organization which is exempt from federal taxation under section 501 of the Internal Revenue Code to use the property for a public purpose. The procedure for notice, advertisement and sale of the property shall be governed by the law applicable to the sale of property for delinquent city taxes.

(H)

Alternatively, the lien and privilege may be enforced in the First Judicial District Court, Claiborne Parish, Louisiana, pursuant to the state code of civil procedure and may be enforced either against the subject property or against the owner and party in interest by ordinary process.

ARTICLE III

ADMINISTRATION

DIVISION 1

GENERALLY

Sec. 19-18

Administration of this code

(A)

The administration and enforcement of this code shall be the responsibility of the Homer Police Department's Property Standards/Code Enforcement Division. The Chief of Police for the Town of Homer may employ inspectors/officers, assistants and other employees to administer and enforce the provisions of this ordinance. The Chief of Police may assign the duties and responsibilities under this ordinance to other employees of the department.

(B)

The delineation of authority under the provisions of this ordinance shall not preclude other departments of the Town of Homer from administering and enforcing those provisions of this ordinance pertinent to their functions. The remedies provided in this ordinance shall be in addition to any other remedies afforded by federal and state laws or city ordinances.

Sec. 19-19

Inspection

The Property Standards Officer is hereby authorized to make inspections and investigations of any dwelling, dwelling unit, premises or property located within the corporate limits of the Town of Homer to enforce the provisions of this ordinance and to determine whether a violation of any provision of this ordinance exists. The inspection or investigation may be conducted to determine the condition of:

(1)

The premises surrounding, adjacent or contiguous to any dwelling, dwelling unit or premises under the control or supervision of the owner, party in interest, agent, occupant or tenant of the dwelling, dwelling unit or premises, and any unimproved lot or parcel of land;

(2)

The exterior of any dwelling, dwelling unit or premises;

A.

Request for exterior inspection. Any person may request the department of property standards to initiate an exterior inspection of any occupied or unoccupied dwelling, dwelling unit, premises or property located within the corporate limits of the Town of Homer to determine whether a violation of any provision of this ordinance exists.

(1)

Any vacant property.

DIVISION 2

PROPERTY STANDARDS OFFICER

Sec. 19-20

General Powers and Duties

(A)

Unoccupied residential building, structure, or premises

The Property Standards Officer may, upon determining that an unoccupied residential building, structure or premises located within the corporate limits of the Town of Homer violates any of the provisions of this ordinance, order the residential building, structure or premises to be secured or the violations abated as hereinafter provided in this ordinance.

(B)

Vacant property

The Property Standards Officer may, upon determining that vacant property located within the corporate limits of the Town of Homer violates any of the provisions of this ordinance, order the abatement of the violations relative to the vacant property as hereinafter provided in this ordinance.

(C)

Nonresidential structures

The Property Standards Officer may, upon determining that an unoccupied nonresidential building, structure or premises located within the corporate limits of the Town of Homer violates the provisions of section 19-08, order the nonresidential building, structure or premises to be demolished as provided in this ordinance.

(D)

The Property Standards Officer is hereby authorized and directed to enforce the provisions of this code. The Property Standards Officer shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

(E)

The Property Standards Officer shall serve written notice of the violation upon the owner, party in interest, agent, occupant or tenant of the dwelling, dwelling unit or premises in the manner provided in section 19-21. Except as otherwise provided herein, any notice served pursuant to the provisions of this ordinance shall automatically become an order, unless a written request for an appeal is filed with the Board in the manner provided in section 19-30. The Property Standards Officer may, for good cause, extend the time period in which to comply with the notice of violation.

Sec. 19-21

Notice of violations; generally

The Property Standards Officer, in addition to any other rights, powers, duties or obligations enumerated under the provisions of this ordinance, shall be empowered to issue a written notice of violation and/or a citation to any owner, party in interest, agent, occupant, or tenant of an occupied premises who violates the provisions of this ordinance as hereinafter provided.

(1)

Citation

Each citation shall contain the following:

A

The condition of the premises which are in violation of the provisions of this ordinance;

B.

Shall be signed by the issuing Property Standards Officer;

C.

Shall be signed by the recipient. In the event the recipient refuses to sign the citation, such refusal shall be indicated by the issuing Property Standards Officer on the citation.

The Property Standards Officer shall serve any citation authorized pursuant to this ordinance upon the owner, agent, occupant or tenant, of the premises, whether occupied or vacant. The citation may also be served upon such parties as otherwise provided by law.

(2)

Notice of violation

A.

Except as otherwise provided in sections 19-13 and 19-14(b), each notice of violation of any provision of this ordinance shall be served upon the owner, party in interest, agent, occupant or tenant by the Property Standards Officer. Such notice shall be sent by certified mail, return receipt requested or by personal service by the Property Standards Officer upon the owner, party in interest, agent, occupant or tenant, or by publication in the official journal of the Town of Homer in two consecutive issues as provided in R.S. 33:5062.

B.

Except as otherwise provided in sections 19-13 and 19-14(b), notice of violation of any provision of this ordinance relative to corporations or other legal entities shall be served upon the corporation or other legal entity as provided by law.

C.

Each notice of violation shall:

1.

Be in writing.

2.

State the legal description of the premises, lot or parcel of ground, or the municipal number of the building or structure.

3.

State the nature of the violation and the applicable section(s) of this ordinance related thereto.

4.

Provide the individual receiving the notice of violation with available alternatives to abate the violation(s).

5.

Provide the individual receiving the notice of violation with the name, address and telephone number of the Property Standards Officer, councilman of the specific district and the office of the Mayor.

6.

Provide the individual receiving the notice of violation with procedures for filing an appeal of the notice of violation.

7.

Contain a time period in which to comply with the notice of violation.

8.

State the maximum penalty which may be imposed pursuant to this ordinance for failure to abate the violation(s).

9.

State that any person acquiring an interest in the property cited in the notice of violation shall be subject to the requirements of the notice of violation.

D.

If the notice of violation served by certified mail is returned undeliverable, constructive notice shall be attained by publication of a legal notice of the violation one time in the official journal of the Town of Homer. A copy of the legal notice shall also be posted in a conspicuous place on or about the building or structure affected by the notice of violation.

(3)

The failure of any party, whether owner, party in interest, agent, occupant or tenant to abate or correct any violation for which notice has been provided pursuant to this ordinance may result in the issuance of a written citation by the Property Standards Officer. The citation shall be issued as provided herein.

Sec. 19-22

Abatement of violation by city or private contractor

Notwithstanding any provision contained in this ordinance to the contrary, the Town of Homer shall have the authority to abate any violation(s) enumerated under the provisions of this ordinance by the utilization of city resources or a private contractor. Any costs or expenses incurred by the Town of Homer relative to the abatement of any violation(s) under the provisions of this ordinance including, but not limited to, orders of the Property Standards Officer, the Mayor or the Town of Homer council, shall be the responsibility of the owner.

Sec. 19-23

Violations and penalties

Any person who rents, leases or occupies, or who permits any person to rent, lease or occupy, any structure found to be dangerous and/or unfit for human habitation or use by final order of the Property Standards Officer, the Board or the Town of Homer council; or any building which was placarded by the Property Standards Officer, shall upon conviction by a court of competent jurisdiction, be punished pursuant to section 19-32.

Each day the violation continues to exist shall constitute a separate offense.

ARTICLE IV

PROPERTY STANDARDS/CODE OF ENFORCEMENT BOARD OF APPEALS

Sec. 19-24

Creation

There is hereby created a property standards board of appeals, referred to in this ordinance as the Board. Board members shall be the Chief of Police, the Mayor and the elected city council members.

The Board shall adopt rules of procedure in accordance with the provisions of this ordinance and applicable provisions of law.

Sec. 19-25

Powers, duties and responsibilities

The Board shall have the power, duty and responsibility, as follows:

(1)

To order any dwelling, building or structure which is determined to be unfit for human habitation be vacated and placarded.

(2)

To order the repair of any dwelling, building or structure determined to be in violation of the provisions of this ordinance.

(3)

To order the demolition and removal of structures determined to be substandard.

(4)

To order the repair of a substandard structure as an alternative to demolition.

(5)

To order the removal of personal property from a structure to be vacated or demolished. The Town of Homer shall have the authority to remove personal property from a structure if the owner of the personal property is unknown or the owner fails to remove the personal property from the structure ordered vacated or demolished.

(6)

To order that a vacant structure or vacant portion of a structure constituting a hazard or nuisance be securely closed and made safe.

(7)

To order the abatement of a hazardous condition on any premises.

(8)

To order the abatement of any condition determined to be a nuisance.

Sec. 19-26

Appeal hearings; meetings

The Board shall schedule a reasonable time for appeal hearings and meetings and shall give public notice thereof, as required by law, as well as notice to the applicant and the Property Standards Officer. All appeal hearings and meetings shall be open to the public and be conducted in conformity with applicable provisions of state law. The Board shall not be constrained by the legal rules of evidence promulgated under federal or state law.

The Mayor or, in his absence, the Mayor Pro Tem shall be empowered to compel the attendance of a witness, owner, agent, occupant or tenant and to administer oaths to anyone giving testimony before the Board.

Special meetings may be called by the Mayor or, in his absence, the Mayor Pro Tem, or a majority of the members of the Board at any time, upon giving 24 hours notice to the public in the manner required by law.

Sec. 19-27

Determinations

After hearing all the testimony and weighing all the evidence, the Board shall render any order, finding or determination consistent with the provisions of this ordinance with regard to the alleged violation including, but not limited to the following:

(1)

Finding the structure a nuisance, and ordering the repair of specified violations within a reasonable period of time, and ordering the Property Standards Officer to monitor the progress of the repairs.

(2)

Finding the structure a nuisance, and ordering the repair or correction of the violations within a specified period of time and demolition of the structure, if the repairs or corrections are not timely affected. The order shall also state that if the owner fails or refuses to comply, demolition shall be by Town of Homer forces or by private contractor retained by the Town of Homer, with such cost being the responsibility of the owner;

(3)

Finding the structure a nuisance, and ordering its demolition within a specified period of time. The order shall also state that if the owner fails or refuses to comply within the specified period of time, demolition shall be accomplished with city resources or by private contractor retained by the Town of Homer, with such cost being the responsibility of the owner. In reaching this determination, the Board of appeals shall consider the economic feasibility of making repairs;

(4)

Finding a nuisance exists on the premises, and ordering its abatement, removal or correction within a specified period of time. If the nuisance is on a vacant lot or on a lot with a vacant

structure, the order shall also state that if the owner fails or refuses to comply within the specified time, abatement, removal or correction shall be by Town of Homer resources or by private contractor retained by the Town of Homer, with the cost being the responsibility of the owner;

(5)

Requesting the office of the Town of Homer attorney to initiate misdemeanor charges in city court against the owner, party in interest, agent, occupant or tenant for violating the provisions of this ordinance;

(6)

Finding the property is not in violation of the provisions of this ordinance.

Sec. 19-28

Decisions; appeals

(A)

The concurring vote of a simple majority of the members of the Board present shall be necessary to reverse any order, decision, or determination appealed from the Property Standards Officer or to decide in favor of the appellant on any matter upon which the Board is authorized under the provisions of this ordinance.

Sec. 19-29

Records

The Board shall prepare a record of its proceedings for each case or matter heard, which record shall be a public record. The record shall delineate the grounds for each decision and the vote of each member on each case or matter heard. The record of the proceedings shall be filed and retained in the department of property standards as required by law.

ARTICLE V

APPEALS AND PENALTIES

DIVISION 1

APPEALS

Sec. 19-30

Appeal from decision of Property Standards Officer

Any person aggrieved by any notice of violation from the Property Standards Officer, or any person aggrieved by any order or decision of the Property Standards Officer, shall have the right to appeal the notice or decision to the Board by filing a written request for appeal within ten days of receipt of such order, notice or decision.

The Board, upon hearing all the testimony and weighing all the evidence, shall either affirm, modify, reverse, or remand the decision of the Property Standards Officer.

Sec. 19-31

Appeal from the decision of the Town of Homer Board

Any person aggrieved by the decision of the Town of Homer Board shall have the right to appeal the decision to a court of appropriate jurisdiction; provided, however, such petition is filed within 30 days of receipt of notice of the decision of the Town of Homer Board.

DIVISION 2

MISDEMEANOR CRIMINAL VIOLATIONS

Sec. 19-32

Penalty for violations

In addition to the procedures and civil regulations set forth above, it shall be a misdemeanor criminal offense for a property owner, occupier, agent, tenant or anyone else having control of the premises to violate any of the requirements set forth above.

(1)

Any person convicted of violating any provision of this ordinance shall, in addition to being ordered to abate the violation, be subject to the following penalty:

A.

The first violation, a fine of not less than \$150.00 or imprisonment for not more than 15 days, and the payment of restitution to the Town of Homer for expenses, including reasonable and required administrative expenses associated with mowing, cleaning and maintaining the premises, or abating any nuisance, whether such services were performed by the Town of Homer or by a private contractor.

B.

The second violation, a fine of not less than \$250.00 or imprisonment of not more than 30 days, and the payment of restitution to the Town of Homer for expenses, including reasonable and required administrative expenses associated with mowing, cleaning and maintaining the premises, or abating any nuisance, whether such services were performed by the Town of Homer or by a private contractor.

C.

The third or subsequent violations, a fine of not less than \$350.00 and imprisonment of not more than 60 days, and the payment of restitution to the Town of Homer for expenses, including reasonable and required administrative expenses associated with mowing, cleaning and maintaining the premises, or abating any nuisance, whether such services were performed by the Town of Homer or by a private contractor.

(2)

The Town of Homer's performance of the services necessary to abate any violations under this ordinance including, but not limited to services performed by a private contractor, shall not be a defense to the prosecution of any violations under the provisions of this ordinance.

(3)

Each day the violation continues shall constitute a separate offense.

(4)

The court may suspend any of the jail terms set forth above only on the condition that the defendant pay all fines and assessments associated with the violation and to abate the nuisance if it has not already been abated.