

ORDINANCE NUMBER 1-84.2
VILLAGE OF ELIZABETH, LOUISIANA

AN ORDINANCE AUTHORIZING THE GOVERNING AUTHORITY OF VILLAGE OF ELIZABETH TO CONDEMN AND CAUSE TO BE DEMOLISHED OR REMOVED ANY BUILDING OR STRUCTURE WITHIN THE CORPORATE LIMITS WHEN THE SAME IS IN A DILAPIDATED AND DANGEROUS CONDITION WHICH ENDANGERS THE PUBLIC WELFARE; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED, by the Mayor and the Board of Aldermen of the Village of Elizabeth, Louisiana, that the following **Ordinance Number 1-84.2** amends Section 1, Section 2, Section 3, and Section 4 of **Ordinance Number 1-84** and is hereby enacted to read as follows:

Section 1-Authority

BE IT ORDAINED by the Mayor and Board of Aldermen of the Village of Elizabeth, Louisiana, in legal session convened that said governing authority may condemn and cause to be demolished or re-moved any building or structure within the corporate limits of the municipality when it is in a dilapidated and dangerous condition which endangers the public welfare.

Additionally, designees of the Mayor and/or the Village of Elizabeth may enter the property of any building or structure that is being considered for condemnation and/or demolition for the purpose of performing an inspection of the premises.

Section 2-Procedure

BE IT FURTHER ORDAINED that prior to any inspection of the premises being considered for condemnation and/or demolition, the Village of Elizabeth shall provide the property owner and/or resident of said building or structure written notice, by certified mail, return receipt requested, that the building or structure is being considered for condemnation and/or demolition and that a designee(s) of the Mayor and/or the Village of Elizabeth will be entering upon the premises to perform an inspection.

Furthermore, before any building or structure is condemned there must be submitted to said governing authority a written report recommending the demolition or removal of said building signed by the Mayor, or by someone appointed by him to act in the matter.

Thereafter, the Mayor shall thereupon serve notice on the owner of the building or structure requiring him to show cause at a meeting of the Mayor and Board of Alderman why the building or structure should not be condemned. The date and hour of the meeting shall be stated in the notice which shall be served at least ten days before the date of the hearing, except in case of grave public emergency as hereinafter provided.

Section 3-Service

BE IT FURTHER ORDAINED that the show cause meeting notice set forth above, may be served by mailing it via the United States Postal Service, by either registered or certified mail,

return receipt requested, to the owner at the owner's last known address. Service by registered or certified mail shall be considered personal service if the certified return receipt or the return form is signed by the addressee. Service by registered or certified mail shall be considered domiciliary service if the certified return receipt or the return form is signed by anyone other than the addressee.

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

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

If the owner of the building or structure is absent from the state or unrepresented therein, then the notice shall be served upon the occupant of the condemned building or structure, if any, and also upon an attorney at law appointed by the Mayor to represent the absentee. Domiciliary service may be made as in ordinary cases.

Section 4-Public Emergency

BE IT FURTHER ORDAINED that in case of grave public emergency where the condition of the building is such as to cause possible immediate loss or damage to person or property the Mayor and Board of Alderman as governing authority of the Village may condemn the building after 24 hours notice served upon the owner or his agent, or upon the occupant and the attorney at law appointed to represent the absent owner.

Any such notice may be attached to a door or main entrance of the premises or in a conspicuous place on the exterior of the premises and shall have the same effect as delivery to or personal service on the owner, occupant, or attorney at law appointed to represent the absentee owner.

Section 5-Condemnation, Demolition, and Repair Orders

BE IT FURTHER ORDAINED that after a hearing on the matter, if, in the opinion of said governing authority the facts justify it, an order shall be entered condemning the building and ordering that it be demolished or removed within a certain delay.

If repairs will correct the dilapidated dangerous or unsafe condition the Mayor and Board of Alderman may grant the owner the option of making such repairs, but in such case the general nature or extent of the repairs to be made, the time thereof, and the defects to be corrected shall be specified in the decision of the said governing authority. Said decision shall be in writing and shall be final unless appealed from within five days as provided in R.S. 33:4763.

Section 6-Demolition and/or Repairs

BE IT FURTHER ORDAINED that the owner or his designated agent may proceed to demolish and remove the building, or have it repaired, in accordance with the order or the Mayor and Board of Alderman provided he executes a contract in writing obligating himself to have the work done within the required time, and files with the Mayor a copy of said contract together with a bond to guarantee performance.

In the event the owner or occupant of the building or structure fails or refused to comply with the decision of the Mayor and Board of Aldermen and fails to appeal therefrom within the legal delays as provided by R.S. 33:4764 then the Mayor may proceed with the demolition or removal of the condemned building or structure in which case neither he nor the Village of Elizabeth shall be liable for damages.

Prior to the demolition or removal of the building or structure, the Mayor or some official designated by him shall serve notice on the owner or his agent, and on the occupant of the building if any there be, or upon the attorney at law appointed to represent the absentee giving the time when the work will begin upon the demolition or removal of the building.

Section 7-Lien and/or Privilege

BE IT FURTHER ORDAINED THAT the Village of Elizabeth shall have a lien and privilege for the cost of demolishing or removing the building or structure against the lot and improvements upon which the building or structure is situated and same may be preserved as set forth in R.S. 33:4766. The Mayor shall appoint an attorney at law to represent the absentee minor or interdict upon whom notices or other proceedings may be served and he shall be paid a reasonable fee to be taxed as part of the costs of demolition.

Section 8-Conflict of Law

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Ordinance 1-84.2 amendments introduced by Ken Kelly on July 14, 2025. Public hearing held on amendments at the council meeting held August 11, 2025 at the Elizabeth Town Hall. Ordinance amendment was motioned by Councilman Ken Kelly and seconded by Councilwoman Mea Dillehay. Vote as follows: Mea Dillehay-yea Ken Kelly-yea Stacy Weldon-yea
Yea- 3 Nays- 0 Absent- 0 Abstain- 0

APPROVED BY:/s/Mandy L Green, Mayor 8.12.25

ATTEST:/s/Denise Lee, LCMClerk 8.12.25