

ORDINANCE NO. JO-070-2025

A JOINT ORDINANCE OF THE LAFAYETTE CITY COUNCIL AND THE LAFAYETTE PARISH COUNCIL AMENDING CHAPTER 26, ARTICLE II, BY REPEALING SECTIONS 26-31 AND 26-32 AND AMENDING CHAPTER 26, ARTICLE XII BY ENACTING SECTION 26-801 AND AMENDING CHAPTER 26, ARTICLE XVI, SECTION 26-1175 OF THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT CODE OF ORDINANCES RELATED TO THE CONDEMNATION & DEMOLITION OF DILAPIDATED AND DANGEROUS BUILDINGS OR STRUCTURES WITHIN THE CITY OF LAFAYETTE AND UNINCORPORATED AREAS OF LAFAYETTE PARISH

BE IT ORDAINED by the Lafayette City Council and the Lafayette Parish Council, that:

WHEREAS, the Lafayette City Council and Lafayette Parish Council desire to amend Chapter 26, Article II, by repealing Sections 26-31 and 26-32 and amending Article XII by enacting Section 26-801 and amending Chapter 26, Article XVI, Section 26-1175 of the LCG Code of Ordinances, the same being necessary to further the health, safety and welfare of the citizens of the City of Lafayette and unincorporated Lafayette Parish.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Lafayette City Council and the Lafayette Parish Council, that:

SECTION 1: All of the above "Whereas" clauses are adopted as part of this joint ordinance.

SECTION 2: Chapter 26, Article II, Sections 26-31 and 26-32 of the LCG Code of Ordinances are hereby repealed in their entirety, with words in ~~strikethrough~~ being deletions from existing law, and words **underscored and boldfaced** being additions:

Sec. 26-31. - Reserved. Repair and condemnation of dangerous buildings or structures - Definition.

~~(a) In accordance with the provisions of R.S. 33:1236(49), the within and ensuing provisions are adopted relating to the repair and condemnation of buildings, dwellings, and other structures that have become derelict and present a danger to the health and welfare of residents of the parish.~~

~~(b) The phrase "derelict and present a danger to the health and welfare", as used herein, shall include, but not be limited to, buildings or structures which have any of the following characteristics:~~

- ~~(1) Are structurally unsafe;~~
- ~~(2) Are not provided with adequate egress;~~
- ~~(3) Constitute a fire hazard;~~
- ~~(4) Are otherwise dangerous to human life;~~
- ~~(5) By way of existing use or condition constitute a hazard to public safety, health, or welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard or abandonment.~~

Sec. 26-32. - Reserved. Same - Procedure adopted.

~~The provisions of R.S. 33:4761 relative to the condemnation and demolition of any building or structure when it is in a dilapidated and dangerous condition which endangers the public welfare are hereby adopted and incorporated herein by reference as the procedure to be utilized by the city-parish consolidated government for the demolition, condemnation and/or removal of any building or structure in the unincorporated areas of~~

the parish, when it is determined by this council to be in such condition as to warrant such action, provided however, that the adoption of R.S. 33:4761—33:4768, as applied herein, shall be with the following amendments in those statutes, wherever applicable, to wit:

- (1) ~~Whenever the term "within the municipality" appears, same shall read "within the unincorporated areas of Lafayette Parish, Louisiana."~~
- (2) ~~Whenever the term "Mayor or Chief Executive Officer" appears, same shall instead read "Lafayette City Parish President."~~
- (3) ~~Whenever the term "Governing authority of the municipality" appears, same shall instead read the "Lafayette City Parish Council or the governing authority of the Lafayette City Parish Consolidated Government."~~
- (4) ~~Whenever the term "Municipality" appears, same shall read "unincorporated areas in Lafayette Parish, Louisiana."~~
- (5) ~~Whenever the term "Governing authority of the City of Lafayette" appears, same shall mean and refer to "governing authority of the Lafayette City Parish Consolidated Government."~~

Any lien amount, specified in R.S. 33:4761 through 33:4768, shall bear legal interest from the date of recordation until paid.

SECTION 3: Chapter 26, Article XII "RESERVED", and Section 26-801 "Reserved" of the LCG Code of Ordinances are hereby amended in the following particulars, with words in strikethrough being deletions from existing law, and words underscored and boldfaced being additions:

ARTICLE XII – ~~RESERVED~~ CONDEMNATION AND DEMOLITION

Sec. 26-801 ~~Reserved~~ Condemnation and demolition of dilapidated and dangerous buildings or structures.

- A. It shall be a violation of this Code for any person, natural or juridical, to own, maintain, or permit the continued existence of any building or structure that is dilapidated, dangerous, blighted, or abandoned, as defined herein. Such conditions are deemed a threat to public health, safety, and welfare, and are hereby prohibited.
- B. Pursuant to the provisions of La. R.S. 13:2575 and La. R.S. 33:4754, the Hearing Officer of the Administrative Adjudication Bureau for the Lafayette City-Parish Consolidated Government shall have the authority to condemn buildings or structures determined to be dilapidated, dangerous, blighted, or abandoned and authorize the City of Lafayette, Parish of Lafayette, and/or Lafayette City-Parish Consolidated Government to demolish said buildings or structures, pursuant to the procedures set forth in Article XVI "Administrative Adjudication", Section 26-1175.
- C. For the purposes of this Section, the phrase "dilapidated, dangerous, blighted, or abandoned" shall include, but shall not be limited to, buildings or structures which have any of the following characteristics:
 - (1) Are structurally unsafe;
 - (2) Are not provided with adequate egress;
 - (3) Constitute a fire hazard;
 - (4) Are otherwise dangerous to human life;
 - (5) By way of existing use or condition constitute a hazard to public safety, health, or welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard or abandonment;
 - (6) Due to its physical condition, neglect, or structural failure, poses a hazard to public health or safety, or is unfit for human occupancy or use.

~~Sees. 26-801—26-920.—Reserved, Secs. 26-802—26-920. - Reserved.~~

SECTION 4: Chapter 26, Article XVI, Section 26-1175 of the LCG Code of Ordinances is hereby amended in the following particulars, with words in ~~strikethrough~~ being deletions from existing law, and words **underscored and boldfaced** being additions:

ARTICLE XVI – ADMINISTRATIVE ADJUDICATION

Sec. 26-1175. - Enforcement of Violations; Administrative Adjudication; Penalties

1. Applicability.

- A. This Section is an available alternative enforcement mechanism for the adjudication of Violations, occurring in the City of Lafayette and/or the unincorporated areas of Lafayette Parish, of the following Articles in this Chapter:
- i. Article III – Building Code
 - ii. Article IV – Electrical Code
 - iii. Article V – ~~International~~**LCG** Property Maintenance Code
 - iv. Article VI – International Mechanical Code
 - v. Article VII – Moving of Buildings
 - vi. Article VIII – Plumbing and Gas Code
 - vii. Article IX – Swimming Pool Regulations
 - viii. Article XI – Flood Damage Prevention
 - ix. **Article XII – Condemnation and Demolition**
 - ~~ix.~~ **Article XIII – Misc. Restrictions and Requirements in City of Lafayette**
 - ~~x.~~ **Article XV – Prohibition on Recreational Park Trailers Being Used as Permanent Residences in the Unincorporated Areas of the Parish of Lafayette**
- B. Nothing contained in this Section shall be construed to prohibit, in lieu of proceeding under the enforcement mechanisms of this Section, the enforcement of Violations of this Chapter through any processes or procedures contained within any other Section of this Chapter **or state law**.
- C. The provisions of this Section shall be retroactive and shall apply to any Violation(s) of the above listed Articles of this Chapter in existence as of the adoption of this Section and any occurring thereafter, regardless of whether said Violation(s) initially occurred prior to the adoption of this Section.

2. Definitions.

In addition to the definitions contained in Chapter 26, the following words, terms, and phrases, when used in this Section, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning.

Violation means a civil violation, related, but not limited to, any act, omission, condition, failure to act, and/or any non-compliance with or of any provision of Chapter 26, Articles III – IX, XI, XII, XIII, and XV.

Order, judgment or notice of judgment means an administrative act of the hearing officer.

Unoccupied means having no legal occupant(s), vacant.

Violator means person(s), natural or juridical, who has been found liable for a Violation and/or ordered to abate or correct a Violation in an Order issued under this Section.

3. Authorization.

The City of Lafayette, Parish of Lafayette, and/or the Lafayette City-Parish Consolidated Government, through one or more of its appropriate departments, agencies, agents, employees, contractors and/or representatives (“LCG”), shall be authorized to and may enforce any Violation(s) of Articles III – IX, XI, XII, XIII, and XV of this Chapter against all alleged Violators pursuant to the procedures for administrative adjudication established in this Section.

* * * * *

6. Powers of a Hearing Officer.

The hearing officer shall have the power to:

- A. Administer oaths and affirmations.
- B. Issue orders compelling the attendance of witnesses, respondents, alleged violators, and Violators, and the production of documents.
- C. Determine whether or not an alleged violator is liable for Violations.
- D. Levy fees, costs, and monetary penalties.
- E. Order Violators to correct Violations within a stipulated time.
- F. Take any and/or all necessary and lawful measures to effect corrections of the Violation if the Violator fails to do so within the time allocated by the hearing officer.
- G. Record orders, judgments, notices of judgments, or liens in the mortgage records of the Lafayette Parish Clerk of Court’s Office.

H. Condemn buildings or structures determined to be dilapidated, dangerous, blighted, or abandoned and authorize the City of Lafayette, Parish of Lafayette, and/or Lafayette City-Parish Consolidated Government to demolish said buildings or structures.

7. Procedure for Hearing.

- A. Whenever LCG determines that a Violation exists, a notice of violation(s) shall be provided to the alleged violator(s).

* * * * *

- H. The hearing officer shall issue a final order, judgment, or notice of judgment within 30 days of the hearing, excluding legal holidays. A copy of the final order, judgment, or notice of judgment shall be personally served or sent to the Violator(s) in the manner set forth in subsection C within 14 days of issuance. Any notification so sent

and returned by the U.S. Post Office shall be considered as having fulfilled the notification requirement. **In addition, a final order, judgment, or notice of judgment declaring a building or structure to be condemned and ordering the demolition of same shall be filed in the mortgage records of the Lafayette Parish Clerk of Court. Once filed, such filing shall be deemed notice to all subsequent transferees, who shall take such property subject to the order of condemnation and demolition and all consequences resulting therefrom.**

Notwithstanding the foregoing **At the hearing**, the Violator or his/her representative may enter into the record of the hearing (either orally or in writing) an alternate mailing or electronic address for the purposes of receipt of any notice herein. The order, judgment, or notice of judgment shall:

- i. Be signed by the hearing officer;
 - ii. State whether or not the alleged Violator is liable for each Violation and any specific determinations thereto;
 - iii. Provide the amount of fees, costs, and penalties assessed for each Violation;
 - iv. Provide the defects to be corrected and the extent by which each Violation shall be corrected, repaired, and/or abated;
 - v. Provide the reasonable period of time by which each Violation shall be corrected, repaired and/or abated;
 - vi. Notify the Violator(s) of their right to appeal; and
 - vii. Notify the Violator that LCG may act to abate Violation(s) if the Violator fails to act in accordance with the order, judgment, or notice of judgment, where applicable.
- I. LCG may enforce any order, judgment, or notice of judgment assessing fees, costs, and penalties, and/or stipulating a required correction, repair, or abatement measure.

* * * * *

10. Costs.

* * * * *

- B. In addition to any costs assessed in any order, judgment, or notice of judgment, at any point in the enforcement process after the time for compliance has expired, or following the conclusion of the LCG's enforcement/abatement action(s), the appropriate department(s), division(s), and/or component(s) of LCG enforcing the Violation(s) may notify, in the manner provided for in 26-1175(7)(C), the Violator of the proposed full cost recovery that was the subject of enforcement/abatement action. Any notification so sent and returned by the U.S. Post Office shall be considered as having fulfilled the notification requirement. The notice of cost recovery issued must provide an itemized list of costs incurred by LCG, and contain a date not less than 30 days from the date of notice (date personally served, date mailed, or date e-mailed) providing a hearing with a hearing officer to **appeal/contest** the accuracy and reasonableness of the costs.

- C. In the event full payment is not received within 30 days of the notice of cost recovery, then following any cost recovery appeal hearing upholding all or part of the costs, LCG may, where applicable, lien the property that was subject to the enforcement/abatement action for all applicable costs by recording the notice of cost recovery or administrative hearing order, judgment, or notice of judgment affirming appropriate costs in the mortgage and/or UCC records of the Lafayette Parish Clerk of Court's Office.

* * * * *

13. Appeal.

Except for violations of Chapter 26, Article XII, Section 26-801, Any person determined by the hearing officer to be liable for a violation may appeal the determination to the Fifteenth Judicial District Court for the Parish of Lafayette. Such appeal shall be instituted by filing, within 30 calendar days of notice of the hearing officer's order, judgment, or notice of judgment, a petition with the Fifteenth Judicial District Clerk of Court along with payment of such costs as may be required by the Clerk of Court. After filing a petition for appeal, the Clerk of Court shall schedule a hearing and notify all parties of the date, time, and place of such hearing. Service of notice of appeal under this subsection shall not stay the enforcement and collection of the order, judgment, or notice of judgment unless the person who files the appeal furnishes security prior to the service of notice of appeal with the appropriate department(s), division(s), and/or component(s) of LCG enforcing the violation(s) in the amount fixed by the hearing officer sufficient to assure satisfaction of the finding of the hearing officer relative to the fine(s), fee(s), monetary penalty/penalties, cost(s) of the hearing, and cost(s), if any, of correcting the violation(s). For violations of Chapter 26, Article XII, Section 26-801, any appeal shall first be made to the Lafayette City Council or the Lafayette Parish Council, as the case may be, within 30 calendar days of notice of the hearing officer's order, judgment, or notice of judgment. Thereafter, any appeal of the decision of the Lafayette City Council or the Lafayette Parish Council, as the case may be, may be made to the Fifteenth Judicial District Court within 30 calendar days of the decision of the Lafayette City Council or the Lafayette Parish Council, in the same manner required for all other violations of Chapter 26.

* * * * *

17. Additional Available Alternative Enforcement Procedures for Violations of Chapter 26, Article V and Article XII.

In addition to all other remedies and powers available in this Section, the Hearing Officer, in adjudicating Violations of Article V and Article XII of Chapter 26 of this Code ~~the LCG Code of Ordinances~~, shall have the power to order securing the building, structure, or premises from entry (boarding) and/or order that the building, structure, or premises be vacated consistent with the following:

* * * * *

B. Order to vacate.

- i. When an occupied building, structure, or premises is found by the Hearing Officer to be unsafe, unfit for human occupancy, and/or unlawful, an order to vacate may be issued.

(1) A building, structure, or premises is unsafe if it is found to be dangerous to the life, health, property or safety of the

public or to any occupants therein because the premises is damaged, decayed, dilapidated, structurally unsafe, of faulty construction and/or unstable.

(2) A building, structure, or premises is unfit for human occupancy when the premises is in disrepair, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities, utilities, or other equipment as required by or necessary to comply with the PMC.

(3) A building, structure, or premises is unlawful when it is found in whole or in part to be overcrowded, or was erected, altered, or occupied contrary to law.

- ii. At the hearing, if, in the opinion of the Hearing Officer, a building, structure, or premises is unsafe, unfit, and/or unlawful, an order to vacate within a certain delay may be issued by the Hearing Officer. The order shall provide the specific violations of ~~this Chapter~~ the PMC that justify the finding that the building, structure, or premise is unsafe, unfit and/or unlawful.
- iii. The building, structure, or premises shall be posted bearing notice of the order to vacate within 48 hours of the Hearing Officer's determination and order. The notice shall be signed by the Building Official, provide the date of the determination, and advise the public that the building, structure, or premises has been deemed unsafe, unfit, and/or unlawful and that the public is warned to keep away. The order shall be posted or affixed in a prominent location on the building, structure, or premises, or, if safe access to same is not reasonably practicable, on some prominent fixture on the adjacent public right-of-way as near as possible to the building, structure, or premises, and shall provide the date and time by which all occupants shall vacate. **It shall be unlawful for any person to remove any notice to vacate posted pursuant to this subsection.**
- iv. All occupants shall vacate within the time period ordered by the Hearing Officer at the hearing. The building, structure, or premises shall remain vacated until the Building Official determines that the violations creating the unsafe, unfit and/or unlawful building, structure, or premises have been abated. Upon this determination, the Building Official shall issue a letter of re-occupancy to the Owner, and, at that time, the posting of the order to vacate may be removed.

SECTION 5: All ordinances and resolutions, or parts thereof, in conflict herewith, are hereby repealed.

SECTION 6: After first having been adopted by a majority of the authorized membership of both the Lafayette City Council and the Lafayette Parish Council, this joint ordinance shall become effective upon signature of this joint ordinance by the Lafayette Mayor-President, or the elapse of ten (10) days after receipt by the Lafayette Mayor-President without signature or veto, or upon override of a veto, whichever occurs first.

* * * * *

This page intentionally left blank



Internal Memorandum

Community Development and Planning Department
Office of the Director (Route 9041)

TO: Rachel Godeaux

DATE: November 10, 2025

FROM: Tammy Luke

SUBJECT: **Agenda Item: Joint Ordinance
Amendments to Chapter 26, Article XII and Article XVI regarding
condemnation & demolition of dilapidated and dangerous buildings or
structures.**

Attached is an ordinance amending the Lafayette City-Parish Consolidated Government Code of Ordinances amending Chapter 26, Article XII and Article XVI related to the condemnation and demolition of dilapidated and dangerous buildings or structures within the City of Lafayette and Unincorporated areas of Lafayette Parish.

If the proposed ordinance meets your approval, please place on the agenda for introduction on December 2, 2025.



Tammy Luke
Director

kt

Attachments

RECEIVED

NOV 11 2025

OFFICE OF THE CAO

LAFAYETTE JOINT COUNCIL MEETING

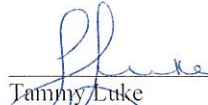
AGENDA ITEM SUBMITTAL FORM

1. **JUSTIFICATION FOR REQUEST:** An Ordinance Of The Lafayette City Council and The Lafayette Parish Council amending Chapter 26, Article II, by repealing sections 26-31 and 26-32 and amending Chapter 26, Article XVI, Section 26-1175 of the Lafayette City-Parish Consolidated Government Code of Ordinances related to the Condemnation & Demolition of dilapidated and dangerous buildings or structures within the City of Lafayette and Unincorporated Areas of Lafayette Parish.
2. **ACTION REQUESTED:** Adoption of ordinance
3. **REQUEST ACTION OF COUNCIL:**
 - A) INTRODUCTION: December 2, 2025
 - B) FINAL ADOPTION: December 16, 2025
4. **DOCUMENTATION INCLUDED WITH THIS REQUEST:**
 - A) Cover Memo from Director (1page)
 - B) Submittal Item Justification Form (1 page)
 - C) Proposed Ordinance (7 pages)
5. **FISCAL IMPACT:**

_____ Fiscal Impact (Explain)


X No Fiscal Impact

Recommended by:



Tammy Luke
Community Development and Planning Director

Approved for agenda:



Rachel Godeaux
Chief Administrative Officer