

AMENDMENT No. 2
ORDINANCE

2008 - O - 10

AN ORDINANCE AMENDING ORDINANCE 2008-O-10
REGULATING BLIGHTED PROPERTIES IN THE
PARISH OF VERMILION

BE IT ORDAINED by the Police Jury of Vermilion Parish, in regular session convened on this 20th day of January, 2009, proceeding under its police power pursuant to the laws of the State of Louisiana, that the Vermilion Parish Police Jury hereby amends the Parish Ordinance No. 2008-O-10 relative to blighted properties in the Parish of Vermilion.

BE IT FURTHER ORDAINED that it is the desire of the Vermilion Parish Police Jury to amend Ordinance No. 2008-O-10 to amend Part (2) of Section 1 of said ordinance to have same read as follows:

Sec. 1. Findings

(2) Blighted and/or abandoned residential housing properties should be rehabilitated and preserved to maintain the character of neighborhoods and simultaneously provide an opportunity for the Vermilion Parish Police Jury to arrange for the renovation or rehabilitation of such residential housing properties. Blighted and/or abandoned residential housing properties that cannot be rehabilitated in a cost-effective manner should be demolished to eliminate the negative effects on the citizens of this Parish.

BE IT FURTHER ORDAINED that it is the desire of the Vermilion Parish Police Jury to amend Part A and Part B of Section 5 of said ordinance to have same read as follows:

Sec. 5 Filing of action to implement rehabilitation plan; notice to secured parties

A. Form of notice to secured parties. Prior to the Vermilion Parish Police Jury filing an action to establish a receivership in connection with a blighted housing property on a blighted housing property list, the designated official shall serve notice on a secured party, which notice shall state that:

- (1) The Vermilion Parish Police Jury has determined that the residential housing property is a blighted housing property and has placed such property on the Vermilion Parish Police Jury's blighted housing property list.
- (2) The Vermilion Parish Police Jury will arrange for a rehabilitation plan to be prepared and submitted to the court to restore the property to minimum habitability standards.
- (3) A secured party may request a copy of such rehabilitation plan upon its submission to the court.
- (4) A secured party may submit an alternate plan to the public officer within thirty (30) days of the date of the notice.
- (5) If a secured party does not present to the public officer an alternate plan within thirty (30) days of the date of the notice, the secured party may not file an objection to the local governmental subdivision's action to implement a rehabilitation plan in the court.

B. Service of notice. The notice shall be served on the owner and the secured parties by registered or certified mail, postage prepaid, addressed to the secured party at their last known addresses.

BE IT FURTHER ORDAINED that it is the desire of the Vermilion Parish Police Jury to amend Part B, No. (2) and No. (3), Part C, and Part D, No. (1) of Section 6 of said ordinance to have same read as follows:

Sec. 6. Action to establish a receivership

- B. An action submitted to a court to establish a receivership shall include:
- (2) An affidavit executed by the designated official stating that (a) the residential housing property was listed on the blighted housing property list, (b) notice was delivered to the owner and the secured parties in accordance with the provisions of this Chapter and was filed as required in the mortgage record of the Vermilion Parish Police Jury, or that there are no secured parties, (c) a rehabilitation plan for the blighted housing property was offered to the owner and secured parties for review, (d) neither the owner nor the secured party submitted an acceptable alternate plan to the public officer, (e) a statement has been received by an individual holding appropriate professional qualifications that there are sound reasons that the blighted housing property should be rehabilitated rather than demolished based upon the physical, aesthetic, or historical character of the residential housing property or the relationship of such residential housing property to other buildings and lands within its immediate vicinity, and (f) the Vermilion Parish Police Jury approved the implementation of the rehabilitation plan pursuant to an approving resolution.
 - (3) If applicable, an affidavit from the owner or secured party consenting to placing the property in receivership and agreeing to the cost of the rehabilitation plan.
- C. Prior to establishing a receivership, the court shall consider any objections filed by the owner or secured parties and evaluate any alternate plans submitted by said owner or secured parties. The court may approve the owner or secured party's alternate plan that, in the judgment of the court, is realistic and likely to result in the expeditious rehabilitation of the property to minimum habitability standards and a return of the blighted housing property to commerce. If the court approves the owner or secured party's alternate plan, then the court shall appoint the public officer to act as monitor of the owner or secured party's compliance. If the owner or secured party fails to carry out any step in the approved alternate plan, then the Vermilion Parish Police Jury may apply to the court to complete the Vermilion Parish Police Jury's rehabilitation plan.
- D.
- (1) If the court finds that the property is blighted property and that the owner or secured party has failed to submit an acceptable alternate plan or to take any action to restore the blighted housing property to minimum habitability standards, then the court shall authorize the Vermilion Parish Police Jury or a qualified rehabilitation entity designated by the Vermilion Parish Police Jury to take possession, control, and use of the blighted housing property for the receivership term and to implement the rehabilitation plan.

BE IT FURTHER ORDAINED that it is the desire of the Vermilion Parish Police Jury to amend Ordinance No. 2008-O-10 to add Section 13, to ordinance, and to have same read as follows:

Sec. 13. Demolition or removal if rehabilitation not cost-effective

If a statement has been received by an individual holding appropriate professional qualifications that the blighted housing property or other building or structure cannot be rehabilitated in a cost-effective manner, the Vermilion Parish Police Jury may demolish or remove said blighted housing property or other building or structure (or may contract with a qualified third party to have same demolished or removed) in a manner consistent with LSA-R.S. 33:4761 and following.

BE IT FURTHER ORDAINED that it is the desire of the Vermilion Parish Police Jury to amend Ordinance No. 2008-O-10 to renumber Section 13 to have same numbered Section 14 of said ordinance as follows:

Sec. 14. Preference to affected areas

Pursuant to the Robert T. Stafford Act as provided in 42 U.S.C.A. § 5150, in the expenditure of federal funds, under the provisions of this Chapter, in the carrying out of activities by contract or agreement with private organizations, firms, or individuals, preference shall be given, to the extent feasible and practicable, to those organizations, firms, and individuals residing or doing business in the state of Louisiana.

BE IT FURTHER ORDAINED that it is the desire of the Vermilion Parish Police Jury to amend Ordinance No. 2008-O-10 to renumber Section 14 to have same numbered Section 15 of said ordinance as follows:

Sec. 15. Repeal of conflicting ordinances.

All ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that it is the desire of the Vermilion Parish Police Jury to amend Ordinance No. 2008-O-10 to renumber Section 15 to have same numbered Section 16 of said ordinance as follows:

Sec. 16. Severability.

Should any part of this ordinance be declared null, void, invalid, illegal or unconstitutional, the remainder of the said ordinance shall remain in full force and effect.

BE IT FURTHER ORDAINED that it is the desire of the Vermilion Parish Police Jury to amend Ordinance No. 2008-O-10 to renumber Section 16 to now be numbered Section 17 of said ordinance as follows:

Sec. 17. Effective date.

This ordinance shall become effective upon the signature of the President of the Vermilion Parish Police Jury.

BE IT FURTHER ORDAINED that all other provisions of Ordinance No. 2008-O-10, shall remain the same.

This amendment having been submitted in writing, having been read and adopted at a public meeting of the Police Jury of the Parish of Vermilion, State of Louisiana, was then submitted to an official vote as a whole, the vote was thereon being as follows:

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YEAS: Mr. Dane Hebert, Mr. Chris Beraud, Mr. Nathan Granger, Mr. Ronald Darby, Mr. Wayne Touchet, Mr. Mark Poche, Mr. Keith Meaux, Mr. Errol J. Domingues, Mr. Gerald Butaud, Mr. Ronald Menard, Mr. Pervis Gaspard, Mr. Cloris J. Boudreaux, Mr. T. J. Prejean, Jr., Mr. Leon Broussard

NAYS: None

ABSENT: None

I, Chris Theriot, Administrator-Secretary-Treasurer, of the Vermilion Parish Police Jury, do hereby certify that the above is a true and exact copy of an ordinance adopted by the Vermilion Parish Police Jury, at the regular meeting of January 20, 2009, at which a quorum was present and acting.

CHRIS THERIOT
Administrator-Secretary-Treasurer
Vermilion Parish Police Jury