



**ORDINANCE NO. 45 OF 2022**

**AN ORDINANCE TO AMEND SECTION 38.5-6 OF THE CITY OF SHREVEPORT, LOUISIANA CODE OF ORDINANCES RELATIVE TO THE PROCEDURE FOR THE ISSUANCE OF SUMMONS TO THE ENVIRONMENTAL COURT AND OTHERWISE PROVIDE WITH RESPECT THERETO.**

**BY COUNCILMEMBER**

**WHEREAS**, the City of Shreveport Code of Ordinances, Chapter 38, Article V, Division 1, Section 105 provides that “With the exception of emergency demolitions as outlined any person aggrieved by any notice of violation from the director, or any person aggrieved by any order or decision of the director, shall have the right to appeal the notice or decision to the environmental court by filing a written request for appeal within *ten days (10 days)* of receipt of such or der, notice or decision.”; and

**WHEREAS**, on October 22, 2019, this Council passed Ordinance 139 of 2019 establishing, in accordance with L.A. R.S. 13:2575, establishing an administrative adjudication procedure (“Environmental Court”) for those charged with owning blighted or abandoned property or for other property standards violations; and

**WHEREAS**, Chapter 38.5 of the City of Shreveport Code of Ordinances, entitled “Procedures for Abatement” provides the procedure and requirements for the abatement of property standards violations by the City’s Environmental Court, as overseen by the Department of Property Standards; and

**WHEREAS**, the City of Shreveport Code of Ordinances Chapter 38.5-6(a), provides that “Whenever the city department having enforcement responsibility determines that a Code violation exists, a summons to appear shall be provided to the owner and/or mortgage holder and/or the occupant of the property upon which the nuisance exists or upon the person causing or maintaining the nuisance.”; and

**WHEREAS**, the Department of Property Standards requests an amendment to this ordinance relating to the procedures for the issuance of summons to the City’s Environmental Court in an effort to reduce the case load of the Department coming before the Court and to transition the Environmental Court into a quasi-appellate administrative body; and

**WHEREAS**, this revised ordinance will allow the Department to proceed with the abatement of property standards violations, after due notice of violation has been given to property owners pursuant to Section 38-84(2), and when no appeals to the Court have been timely filed pursuant to Section 38-105, without having to forward these violations to the Environmental Court first for adjudication; and

**WHEREAS**, property standards violations will now only appear before the Environmental Court if property owners with pending property standards violations appeal those violations within the time limit established by Section 38-105 (10 days of receipt of notice of violation), reducing abatement time.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Shreveport, acting in due, legal, and regular session convened, that Chapter 38.5-6 of the City of Shreveport, Louisiana Code of Ordinances is hereby amended to read as follows:

**Sec. 38.5-6 Procedure for hearing**

(a) Upon the filing of a timely appeal of a notice of violation, order or decision of the director pursuant to Section 38-105, a summons to appear before the Environmental Court shall be provided to the owner and/or the mortgage holder and/or the occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance.

...

**BE IT FURTHER ORDAINED** that if any provision or item of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this Ordinance which can be given affect without the invalid provisions, items or applications and to this end the provisions of this Ordinance are hereby declared severable.

**BE IT FURTHER ORDAINED** that all Ordinances or parts thereof in conflict herewith are hereby repealed.

**THUS DONE AND ORDAINED** by the City Council of the City of Shreveport, Louisiana.

**APPROVED AS TO LEGAL FORM:**

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**City Attorney's Office**