

TOWN OF MARION
REGULAR BUSINESS MEETING
January 14th, 2025

The Town of Marion's Board of Aldermen met on Tuesday, January 14th, 2025, at 7:00 p.m. at the Marion Fire Station for a regular business meeting. Members present included: Mayor Danny A. Smith, Aldermen Mark Andrews, Eugene “Bubba” Hoggatt, Channing Washington, and Alderwomen Rhonda Davis and Tina Harris. Guests Chief of Police Montral Ferguson, Public Works Director Jimmy Caldwell, Assistant Public Works Director Tyler Murray, Town Clerk Rebecca Worthington and Assistant Clerk Cheryl Geoghagan.

Mayor Smith called the meeting to order. Assistant Clerk Cheryl Geoghagan led the invocation, and Assistant Public Works Director Tyler Murray led the pledge of allegiance.

Mayor Smith welcomed guests and as required by state law, opened the floor to public comments concerning all agenda items.

During the public comments, Alderman Andrews motioned for a vote on Ordinance 2025-01, which was seconded by Alderwoman Davis. The vote was unanimous, and the ordinance passed.

ORDINANCE NO. 2025-01

**ORDINANCE ENACTING REGULATIONS RELATING TO BUILDINGS AND BUILDING
ABATEMENT IN THE TOWN OF MARION**

WHEREAS, the Town of Marion desires to establish regulations relating to building abatement to ensure that structures are safe, sanitary and fit for human occupancy and use; and the condemnation of buildings and structures unfit for human occupancy and use and the repair or demolition of such structures.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF MARION, LOUISIANA:

§* An Ordinance relating to building abatement is enacted to provide as follows: BUILDING

ABATEMENT



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Section 1-1. Findings of fact.

The purpose of this Ordinance is to promote the health, safety and welfare of the residents of the Town of Marion, and protect neighborhoods against physical, visual and economic deterioration. Pursuant to La. R.S. 33:4761-33:4768, the Board of Aldermen may condemn and cause the demolition or removal of any building or structure within the Town of Marion limits when such building or structure is in a dilapidated and dangerous condition.

Section 1-2 – 1-9. Reserved. Section

1-10. Definitions.

§* Enforcement of health, safety, and welfare ordinances of Marion, Louisiana

A. In addition to the authority for criminal prosecutions and other authority provided by law for civil enforcement of health, safety, and welfare ordinances, including but not limited to the authority for administrative adjudication for violations of public health, housing, fire code, environmental, building code, zoning, historic district, permitting, vegetation, and nuisance ordinance, in Marion, Louisiana the public authority may enforce health, safety, and welfare statutes or ordinances or otherwise seek to eliminate blighted property, unsafe structures and equipment, unlawful structures and structures unfit for human occupancy, housing violations, or public nuisances in any court of competent jurisdiction in accordance with this Section.

B. The following terms, whenever used or referred to in any proceedings shall have the following respective meanings, unless a different meaning clearly appears from the context:

(1) **"Blighted property"** means commercial or residential premises, including lots, which are vacant, uninhabitable, and hazardous and because of their physical condition, are considered hazardous to persons or property, or have been declared or certified blighted, and have been declared to be a public nuisance by a court of competent jurisdiction.

(2) **"Deleterious premises"** means any property, including any yard, garden, outhouses, accessory structures, and appurtenances belonging thereto, upon which is located any structure which is deemed an "unsafe structure", an "unlawful structure", a "structure unfit for human occupancy", or a structure that contains "unsafe equipment" or "housing violations", or is otherwise defined as "blighted property", or a "public nuisance".

(3) **"Housing violations"** means those conditions in privately owned structures which contravene



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the provisions of state statute or local ordinances and are determined to constitute a threat or danger to the public health, safety, and welfare or to the environment by a court of competent jurisdiction.

(4) **"Owner"** means the holder of the title or a mortgagee of premises, whose interest is shown on the public record, or any person who is in possession of premises, or in control of the premises, including a tenant or the agent of any such person.

(5) **"Parties in interest"** means a person(s) who has an interest in premises as shown on the public record or who is in possession of premises or in control of the premises, including a tenant or the agent of any such person.

(6) **"Public authority"** means state or local government or any department, agency, or branch thereof charged with the enforcement of health, fire, permitting, or building regulations, or otherwise charged with the regulation of activities concerning property maintenance.

(7) **"Public nuisance"** means any garage, shed, barn, house, building, or structure, that by reason of the condition in which it is permitted to remain, may endanger the health, life, limb, or property of any person, or cause any hurt, harm, damages, injury, or loss to any person in any one or more of the following conditions:

(a) The property is dilapidated, decayed, unsafe, or unsanitary, is detrimental to health, morals, safety, public welfare and the well-being of the community, endangers life or property, or is conducive to ill health, delinquency, and crime.

(b) The property is a fire hazard.

The conditions present on the property and its surrounding grounds are not reasonably or adequately maintained, thereby causing deterioration and creating a blighting influence or condition on nearby properties and thereby depreciating the value, use, and enjoyment to such an extent that it is harmful to the public health, welfare, morals, safety, and the economic stability of the area, community, or neighborhood in which such public nuisance is located.

(8) **"Public officer"** means any officer, public officer, public employee, or agent authorized by the state or local government to exercise the powers prescribed in the laws and ordinances governed by the provisions of Marion, Louisiana.

(9) **"Unfit for human occupancy structure"** means any structure which is an unsafe structure, an unlawful structure, or otherwise is in such a degree of disrepair, lack of maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or



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heating facilities, or other essential equipment required by state statute or local ordinances, or because of the location of the structure constitutes a hazard to the occupants of the structure or to the public.

(10) "Unlawful structure" means any structure, in whole or in part, that is occupied by more persons than permitted under state statute or local ordinances or was erected, altered or occupied contrary to state statute or local ordinances.

(11) "Unsafe equipment" means any unsafe equipment, including but not limited to any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers, or other equipment on the premises or within a structure which is in such disrepair or condition that such equipment is a hazard to life, health, property, or safety of the public or occupants of the premises or structure.

(12) "Unsafe structure" means a structure that is found to be dangerous to the life, health, property, or safety of the public or the occupants of the structure by not providing the minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment, or because such structure is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that a partial or complete collapse is possible.

(13) "Condemnation" means a case of a grave public emergency in which the Board of Aldermen may condemn the building after 24 hours notice served upon the owner of such building, his agent or the occupant and the attorney at law appointed to represent the absentee owner, if any.

C. The Mayor of Marion and Town Council may authorize public officers to exercise any powers necessary or convenient to carry out and effectuate the purposes and provisions of ordinances

governed by this Section. Additionally, public officers shall have the authority pursuant to this Section to:

(1) Investigate the conditions of premises to determine whether said premises are unfit for human habitation and to request and obtain search warrants for entry if necessary.

(2) Obtain and receive evidence.

(3) Enter upon any premises for the purpose of making examinations provided the entries are made in such a manner as to cause the least possible inconvenience to the persons in possession.

D. Any civil judicial proceeding instituted in accordance with this Section that is on the environmental docket of the Third Judicial District Court, the Marion Municipal Court or Ward 2 Justice of the Peace court may be heard by summary proceeding.



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E. The court may order remedial action be taken, including but not limited to repair of the premises to appropriate standards, securing premises from entry by others, and demolition of any unsafe structures unfit for human occupancy.

Section 1-11. Administration and enforcement.

The administration and enforcement of this Ordinance shall be the responsibility of the Mayor, Board of Aldermen or appointed official legal authority or his designated representative.

Section 1-12. Notice of violations.

(a) Before the Board of Aldermen may condemn any building or structure within the Town of Marion limits, there must be submitted to the Board of Aldermen a written report recommending the demolition or removal of such building, which report shall be signed by the Mayor of Marion or his designated official legal representative, or any other person authorized to act in such matters for the Town of Marion.

(b) The Mayor or legal official representative shall then serve written notice to the owner of the building or structure, requiring the owner to show cause at a regular or special meeting of the Board of Aldermen as to why the building or structure should not be demolished and/or removed under the conditions set forth in this Ordinance .

(c) The date and hour of the meeting of the Board of Aldermen shall be stated in the notice, which shall be served at least ten (10) days prior to the date of the hearing, except in case of grave public emergency. The notice may be served by registered or certified mail, postage prepaid, addressed to the of such building or structure at his last

known address. The notice may also be served by the Town of Marion, official legal representative or Chief of Police, town deputy marshal, or any sheriff, 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, and the officer or legal representative shall make return of the service as in cases conducted by ordinary process.

(d) If the owner is absent from the state or unrepresented, 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 owner. Domiciliary service may be made as in ordinary cases.



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Section 1-13. Grave public emergency.

(a) **Condemnation.** In case of a grave public emergency, the Board of Aldermen may condemn the building after 24 hours notice served upon the owner of such building, his agent or the occupant and the attorney at law appointed to represent the absentee owner, if any.

Section 1-14. Notice of proceedings.

Any notice served pursuant to this Ordinance may be filed with the recorder of mortgages in the parish. Once filed, such notice shall be deemed notice to all subsequent transferees. Any transferee of such property shall take the property subject to all recorded liens, mortgages and notices pertinent to such property.

Section 1-15. Decision of Board of Aldermen.

(a) After the public hearing, if, in the opinion of the Board of Aldermen, the facts justify it, an order shall be entered condemning the building or structure and ordering that such building or structure be demolished or removed within a certain delay. If, however, repairs to such building or structure will correct or rectify the dilapidated, dangerous or unsafe condition of the building or structure, the Board of Aldermen may grant the owner of the premises the option of making such repairs but, in such a case, the time of such repairs and the defects to be corrected shall be specified in the decision of the Board of Aldermen and shall be reflected in the minutes of the meeting.

(b) The decision and order of the Board of Aldermen shall be in writing and shall be final unless appealed within five days, as provided in section 1-16.

Section 1-16. Appeal from decision.

(a) The owner of the condemned building or structure, the occupant of such building or structure, if any, or the agent or other representative of the owner may appeal from the decision of the Board of Aldermen to the district court having jurisdiction over the property, which is the Third Judicial District Court of Union Parish, State of Louisiana. The appeal shall be made by filing a suit against the Town of Marion, setting forth the reasons why the decision or order of the Board of Aldermen is illegal or improper, and the issue shall be tried de novo and by preference in the district court.

(b) In the event of a grave public emergency, as declared by the Board of Aldermen, the owner of the condemned building or structure who desires to prevent the demolition, repair or removal of such building or structure, must file a petition within 48 hours of the official declaration of the grave



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public emergency and must, at the time of the filing of the petition, furnish such bond as may be fixed by the district court to cover any damage that may be caused by the condition of the building or structure.

Section 1-17. Compliance with decision; demolition by Town of Marion when owner fails to comply; notice.

(a) If the owner of the condemned building or structure or his agent executes a contract in writing, obligating himself to the Board of Aldermen to have the work done within the required time and upon furnishing to the Mayor a certified copy of the contract, together with a bond to guarantee performance, the owner or his designated agent may proceed to demolish and remove the building or structure, or have it repaired, as the case may be, in accordance with the order of the Board of Aldermen.

(b) If the owner or occupant of the condemned building or structure fails or refuses to comply with the decision of the Board of Aldermen and fails to appeal from such decision within the legal delays provided in this Ordinance, then in such event, the Mayor or may proceed with the demolition or removal of the condemned property, in which case neither the Mayor nor the Board of Aldermen, individually or collectively, nor the Town of Marion, shall be liable in damages.

Section 1-18. Demolition notice.

(a) Prior to the demolition or removal of the condemned building or structure by the Town of Marion, the Mayor shall serve notice on the owner or his agent and on the occupant of the building, if applicable, or upon the attorney at law appointed to represent

a minor, interdict or absentee owner, giving the time when work will begin upon the demolition or removal of the building or structure.

(b) The Board of Aldermen may request and the adjutant general may assign, subject to the approval of the governor, national guard personnel and equipment to assist in the removal and demolition of condemned buildings, structures or public nuisances. This subsection shall be applicable when the budget for the demolition and removal of condemned buildings, structures or public nuisances has been expended by the Board of Aldermen and the request to the adjutant general is accompanied by documentation that all procedural protections and substantive restraints have been adhered to by the Town of Marion.



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(c) If all procedural protections and substantive restraints have been adhered to by the Board of Aldermen, the Town of Marion and its personnel and the national guard and their personnel, shall not be liable to the owner of the condemned building, structure or public nuisance for any damages sustained resulting from the demolition of the building, structure or public nuisance.

Section 1-19. Lien and privilege for cost of demolition, removal and maintenance by Village; interest; attorney fees.

(a) The Town of Marion shall have a privilege and lien upon an immovable and its improvements and the owner shall be personally liable for the cost to the Town of Marion for:

(1) Maintenance of the immovable or improvements; and

(2) Demolishing and/or removing a building or other structure situated upon the immovable or improvements and all attorney fees incurred by The Town of Marion in connection with such demolition or removal.

(b) For the purpose of this section, the term "maintenance" shall include, but shall not be limited to grass cutting, weed abatement and trash and garbage removal.

(c) The privilege and lien shall be preserved and enforced only after the owner has refused, after notification by the Town of Marion and reasonable opportunity to be heard, to pay the costs incurred by the Town of Marion.

(d) The privilege and lien shall be preserved by the filing and recording of an affidavit signed by the Mayor in the mortgage records of the parish in which the immovable is situated. The affidavit shall include a description of the property which is sufficient to

reasonably identify the immovable and a statement of facts listing the approximate costs incurred by the Town of Marion.

(e) The privilege and lien shall be enforced by ordinary process in the district court having jurisdiction of the immovable within three years after such privilege and lien is perfected.

Alternatively, the privilege and lien may be enforced by assessing the amount of the privilege and lien against the immovable property as any ordinary property tax lien assessed against the property. Such lien and privilege may be collected in the manner fixed for collection of taxes and shall be subject to the same civil penalties for delinquencies. After the Town has incurred such costs as constitute the lien and privilege on the property, the Mayor may send an attested bill of such costs and expenses which constitute the lien and privilege to the treasurer or property tax director, who shall add the



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amount of such bill to the next tax bill of the owner of such property. The lien obtained by the Town of Marion pursuant to proper notification and filing shall include not only the costs provided for in subsection (a) of this section, but such lien shall include all attorney's fees and/or all costs of court incurred in the location and notification of the owner and the enforcement and collection of the amount secured by the lien against the immovable and the improvements. The Town of Marion may also recover interest on the amount secured by the lien. The interest shall not exceed the rate of legal interest as provided in C.C. Art. 2924 and shall be computed from the date of recordation of the lien until such lien is paid. The Town of Marion's privilege and lien shall prime all other liens or privileges against the property filed after the notice to the owner to show cause is filed with the recorder of mortgages pursuant to La. R.S. 33:4762(D), regardless of the date on which the Town of Marion's lien and privilege is perfected, except that the Town of Marion's lien and privilege will not prime other tax liens against the property.

(f) The lien shall not be canceled until after payment of all amounts, including costs, attorney fees and interest.

(g) In addition to the lien and enforcement procedures authorized under this section, the Town of Marion has a cause of action against the owner personally for the costs incurred by the Town of Marion. If such owner is not indigent and has the ability to pay a judgment obtained by the Town of Marion, such action may be brought by ordinary proceeding in any court of competent jurisdiction.

(h) If property which may be subject to a lien and privilege granted in favor of the Town of Marion under this section is owned in indivision and the owners in indivision, with their proportionate share in the property, are listed separately by the tax assessor on the ad valorem tax roll for the Town of Marion, then the Town of Marion shall notify each owner in indivision of his liability under this section.

Upon failure of each owner in indivision to pay his proportionate share on the charges incurred under this section, that part of the property for which the charges are not paid shall be subject to a lien and privilege in favor of the Town of Marion, as provided in this section.

(1) Notwithstanding the provisions of subsection (f) of this section to the contrary, upon payment by an owner in indivision of his proportionate share listed on the ad valorem tax roll for the Town of Marion of the charges, attorney fees and interest incurred under this section and after certification of such proportionate interest by the tax assessor, the lien and privilege granted under this section shall be removed from the proportionate interest of the paying owner in indivision. If outstanding charges levied under this section are added to the annual ad



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valorem tax bill, the proportionate payment by the paying owner in indivision shall be reflected on the bill and as interest in the property free of such charge shall be distinguished on the tax bill.

(2) Notice of the lien and privilege required in this section shall be made upon the owner's indivision at their actual address, or the last known address listed on the tax rolls of the parish.

Section 1-20. Attorney to represent absentee minor(s) or interdict.

If the dilapidated building or structure is unoccupied and its owner is absent from the state, or the owner's whereabouts are unknown and the owner is unrepresented, or if the building is owned by a minor who has no tutor, or an interdict who has no curator, the Mayor shall appoint an attorney at law to represent the absentee owner, minor or interdict upon whom the notices and other proceedings provided for in this Ordinance shall be served. The attorney shall be paid a reasonable fee to be taxed as cost.

Section 1-21 – 1-29. Reserved.

Section 1-30. Conflict of codes and ordinances.

If there should be a conflict between this Ordinance and any state ordinance, statute or code, the regulation with the more restrictive requirements shall apply.

§1. All other Ordinances, or any parts thereof, which are in conflict with the provisions of this Ordinance, are hereby repealed. To the extent that any provision or provisions of this Ordinance are inconsistent or in conflict with any other provision of this Ordinance or any regulation of the Town of Marion, the provisions of this Ordinance shall be deemed to control.

§2. If any one or more of the provisions of this Ordinance shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance, but this Ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein and such provisions are declared severable. Any constitutional or statutory provision enacted after the date of this Ordinance which validates or makes legal any provision of this Ordinance which would not otherwise be valid or legal, shall be deemed to apply to this Ordinance.

§3. This Ordinance shall become effective after final adoption and publication of the same in the manner prescribed by law or on May , 2024, whichever last occurs.



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This Ordinance was introduced on August 13, 2024, by Alderman; Notice of Public Hearing having been published on July 24, 2020, and said Public Hearing having been held, the title having been read and the Ordinance considered, a motion to adopt was made by Alderman, seconded by Alderman, a record vote was taken and, the following result was had:;

YEA: Andrews, Davis, Harris, Hoggatt, Washington

NAY: None

ABSENT: None

On motion by Alderman Hoggatt, seconded by Alderwoman Davis to approve the agenda. Motion carried.

On motion by Alderman Davis, seconded by Alderwoman Harris to approve the December 10th, 2024, regular business meeting minutes. Motion carried.

On motion by Alderwoman Davis, seconded by Alderwoman Harris to approve the budget to actual financial reports. Motion carried.

The Town is pursuing a grant from Claiborne Electric for new computers. In addition, grants are being aggressively sought for upgrades to the sewer system.

On motion by Alderwoman Davis, seconded by Alderman Hoggatt to accept the settlement from MPERS with the indemnification provisions redacted. Motion passed.

On motion by Alderman Washington, seconded by Alderman Hoggatt to approve the 2025 town calendar. Motion passed.



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2025 HOLIDAY SCHEDULE

NEW YEARS DAY	THURSDAY, JANUARY 1ST
MARTIN LUTHER KING	MONDAY, JANUARY 20th
PRESIDENTS DAY	MONDAY, FEBRUARY 17th
GOOD FRIDAY	FRIDAY, APRIL 18th
MEMORIAL DAY	MONDAY, MAY 26th
JUNETEENTH	THURSDAY, JUNE 19th
INDEPENDENCE DAY	FRIDAY, JULY 4th
LABOR DAY	MONDAY, SEPTEMBER 1st
COLUMBUS DAY	MONDAY, OCTOBER 13th
VETERANS DAY	TUESDAY, NOVEMBER 11th
THANKSGIVING	THURSDAY, NOVEMBER 27th FRIDAY, NOVEMBER 28th
CHRISTMAS EVE	WEDNESDAY, DECEMBER 24th
CHRISTMAS	THURSDAY, DECEMBER 25th



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A roll call vote was taken to approve Liquor License Renewals for Family Dollar/Dollar Tree, Dollar General and Marion Food Mart with the following result;

Yea: Davis, Harris, Washington

Nay: Andrews, Hoggatt

Absent: None

Renewals passed.

On motion by Alderman Washington, seconded by Alderwoman Davis to re-elect Alderman Hoggatt as Mayor Pro Tempore. Motion carried.

On motion by Alderwoman Davis, seconded by Alderwoman Harris to accept Mr. Jimmy Caldwell's resignation as Fire Chief as of January 1st, 2025. Motion passed.

On motion by Alderman Hoggatt, seconded by Alderwoman Davis to allow the Marion Fire Department to choose and vote on the next Fire Chief and Assistant Fire Chief. Motion passed.

On motion by Alderwoman Davis, seconded by Alderman Washington to declare July 21st as Johnny B. Gilliam Day. Motion passed.

On motion by Alderman Hoggatt, seconded by Alderwoman Harris to approve the Assistant Chief of Police be granted a take-home car in place of a raise in 2025. Motion passed.

On motion by Alderwoman Davis, seconded by Alderman Washington to pay bills. Motion carried.

The current canopy at the town hall has been replaced after years of wear and tear. During the spring, insulation will be placed in the town hall building to help cut utility costs and ensure upkeep.

On motion by Alderwoman Davis, seconded by Alderman Andrews, the council went into an executive session requested by Chief of Police Montral Ferguson. Police policies, internal procedures, and concerns regarding the budget were addressed.

There being no further business to come before the council Mayor Smith adjourned this meeting on the 14th day of January 2025. Upon motion by Alderman Washington, seconded by Andrews and unanimously approved.

Danny A. Smith, Mayor

Rebecca Worthington, Town Clerk



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