

CHAPTER 5

BUILDING AND CONSTRUCTION REGULATIONS*

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Sub-Chapter A

Flood Damage Prevention Regulations

Article I. In General

SECTION 5:1. STATUTORY AUTHORIZATION

The Legislature of the State of Louisiana has in L.R.S. 38:84 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Police Jury of Assumption Parish, Louisiana does ordain as follows. (Ordinance of May 11, 1981, as amended by Ord. No. 87-09, 7/22/87 and Ord. No. 97-14, 7/23/97)

SECTION 5:2. FINDINGS OF FACT

A. The flood hazard areas of Assumption Parish are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.

(Ordinance of May 11, 1981; as amended by Ord. No. 87-09, 7/22/87)

SECTION 5:3. STATEMENT OF PURPOSE

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

Cross References -- See also Chapter 26, "Subdivision Regulations" and Chapter 27, "Mobile Home Parking Regulations".

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1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in floodplains;
6. Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas and;
7. To insure that potential buyers are notified that property is in a flood area.

(Ordinance of May 11, 1981; as amended by Ord. No. 87-09, 7/22/87; Ord. No. 97-14, 7/23/97)

SECTION 5:4. METHODS OF REDUCING FLOOD LOSSES

A. In order to accomplish its purposes, these regulations use the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety, or property in times of flood, or cause excessive increase in flood heights or velocities;
2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of flood waters;
4. Control filling, grading, dredging and other development which may increase flood damage;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(Ordinance of May 11, 1981; as amended by Ord. No. 87-09, 7/22/87)

SECTION 5:5. DEFINITIONS

Unless specifically defined below, words or phrases used in this Sub-Chapter shall be interpreted to give them the meaning they have in common usage and to give the provisions of this Sub-Chapter its most reasonable application.

Alluvial Fan Flooding -- means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

Apex -- means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Area of Shallow Flooding -- means a designated AO, AH, or VO Zone on a community's Flood Insurance Rate Map (FIRM), with a 1% chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard -- is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A is usually refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V. (Ordinance of May 11, 1981; as amended by Ord. No. 87-09, 7/22/87)

Base Flood -- means the flood having a one (1%) percent chance of being equaled or exceeded in any given year.

Basement -- means any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway Walls -- means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Coastal High Hazard Area -- means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic forces.

Critical Feature -- means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development -- means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated Building -- means a nonbasement building (i) built, in the case of a building in Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls if the breakaway walls meet the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

Existing Construction -- means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Existing Manufactured Home Park or Subdivision -- means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the

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construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision -- means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding -- means a general and temporary condition of partial or complete inundation of normally dry land area from:

- a. The overflow of inland or tidal waters;
- b. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) -- means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study -- is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, the water surface elevation of the base flood, as well as the Flood Hazard Boundary-Floodway Map.

Floodplain or Flood-Prone Area -- means any land area susceptible to being inundated by water from any source (see definition of flooding).

Floodplain Management -- means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations -- means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood Protection System -- means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Functionally Dependent Use -- means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade -- means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure -- means any structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior or;
 2. Directly by the Secretary of the Interior in states without approved programs.

Levee -- means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System -- means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

Lowest Floor -- means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured Home -- means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision -- means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level -- means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

New Construction -- means, for purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision -- means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the

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construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Primary Frontal Dune -- means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

Recreational Vehicle -- means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand Dunes -- means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Start of Construction -- (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure -- means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

Substantial Damage -- means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement -- means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions, or (2) any alteration of a "historical structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance -- is a grant of relief to a person from the requirements of this Sub- Chapter when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Sub-Chapter. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

Violation -- means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation -- means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

(Ordinance of May 11, 1981; as amended by Ord. No. 87-09, 7/22/87; Ord. No. 97-14, 7/23/97)

SECTION 5:6. GENERAL PROVISIONS

A. *Lands to Which this Sub-Chapter Applies.* The provisions of this Sub-Chapter shall apply to all areas of special flood hazard within the jurisdiction of Assumption Parish Police Jury.

B. *Basis for Establishing the Areas of Special Flood Hazard.* The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the Parish of Assumption," dated November 5, 1997, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revision thereto are hereby adopted by reference and declared to be part of the provisions of this Chapter.

C. *Establishment of Development Permit.* A Development Permit shall be required to ensure conformance with the provisions of this Sub-Chapter.

D. *Compliance.* No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Sub-Chapter and other applicable regulations.

E. *Abrogation and Greater Restrictions.* This Sub-Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where these provisions and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

F. *Interpretation.* In the interpretation and application of these provisions, all provisions shall be: (1) considered as minimum requirements; (2) liberally constructed in favor of the governing body; and, (3) deemed neither to limit nor repeal any other powers granted under State statutes.

G. *Warning and Disclaimer of Liability.* The degree of flood protection required by these provisions is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. The provisions of this Sub-Chapter do not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. These provisions shall not create liability on the part of the Assumption Parish Police Jury, or any official or employee thereof for any flood damages that result from reliance on these provisions or any administrative decision lawfully made thereunder.

H. *Fees.* The fee for a development permit in the Parish of Assumption shall be \$10.00 for residential mobile homes. \$20.00 for residential construction other than mobile homes, \$50.00 for commercial establishments or other types of construction 5,000 square feet or under, and \$.01 (one cent) per square foot for commercial establishments or other types of construction over 5,000 square feet.

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Fees are payable to the Assumption Parish Police Jury. There shall be no charge for the construction of a church or other building construction principally for use of religious worship.

(Ordinance of May 11, 1981; as amended by Ordinances of June 10, 1981, April 28, 1982, and October 13, 1982; as amended by Ord. No. 87-09, 7/22/87; and Ord. No. 88-12, 5/11/88; Ord. No. 97-14, 7/23/97)

Article II. Administration

SECTION 5:7. DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Emergency Preparedness Director is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management. (Ordinance of May 11, 1981; as amended by Ord. No. 87-09, 7/22/87, 01-17, 9-12-01)

SECTION 5:8. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

A. Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:

1. Maintain and hold open for inspection all records pertaining to the provisions of this Sub-Chapter;
2. Review permit applications to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding;
3. Review, approve or deny all applications for development permits required by this subchapter;
4. Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required;
5. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation;
6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Louisiana Department of Transportation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

7. Assure that flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

8. When base flood elevation data has not been provided in accordance with Section 5:6, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State, or other source, in order to administer the provisions of Sub-Chapter C;

9. When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community;

10. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision through FEMA.

(Ordinance of May 11, 1981; as amended by Ord. No. 87-09, 7/22/87; Ord. No. 97-14, 7/23/97)

SECTION 5:9. PERMIT PROCEDURES

A. Application for a Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not be limited to, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;

2. Elevation in relation to mean sea level to which any non-residential structure shall be floodproofed;

3. A certificate from a registered professional engineer or architect that the non-residential floodproofed structure shall meet the floodproofing criteria of Section 5:13;

4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;

5. Maintain a record of all such information in accordance with Section 5:8.

B. Approval or denial of a Development Permit by the Floodplain Administration shall be based on all of the provisions of this Sub-Chapter, and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;

2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

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3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;
7. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
10. The relationship of the proposed use to the comprehensive plan for that area.

(Ordinance of May 11, 1981; as amended by Ord. No. 87-09, 7/22/87; Ord. No. 88-12, 5/11/88; and Ordinance of 12/16/92; Ord. No. 97-14, 7/23/97)

SECTION 5:10. VARIANCE PROCEDURES

A. The Appeal Board, as established by the Parish of Assumption, shall hear and render judgement on requests for variances from the requirements of these regulations.

B. The Appeal Board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of these regulations.

C. Any person or persons aggrieved by the decision of the Assumption Parish Police Jury may appeal such decision in the courts of competent jurisdiction.

D. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 5:9 (B) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

G. Upon consideration of the factors noted above and the intent of these regulations, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of these regulations (Section 5:3).

H. Variances shall not be issued within any designated floodway, if any increase in flood levels during-the base flood discharge would result.

I. Variances may be used for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

J. *Prerequisites for Granting Variances.*

a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

b. Variances shall only be issued upon (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and, (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

K. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in this section are met; and, (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ordinance of May 11, 1981; as amended by Ord. No. 87-09, 7/22/87; 97-14, 7/23/97)

SECTION 5:11. RESERVED

Article III. Provisions for Flood Hazard Reduction

SECTION 5:12. GENERAL STANDARDS

A. In all areas of special flood hazards, the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

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3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
6. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters; and
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ordinance of May 11, 1981; as amended by Ord. No. 87-09, 7/22/87; 97-14, 7/23/97)

SECTION 5:13. SPECIFIC STANDARDS

A. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Sections 5:6 (B), 5:8 (A)(8), and 5:14 (C), the following provisions are required:

1. *Residential Construction* - New construction and substantial improvement of any residential structure shall have the lowest floor (including basement) elevated to or above the base flood elevation. A registered professional engineer, architect or land surveyor shall submit a certification to the Floodplain Administrator that the standard of these provisions of this Sub-Chapter as proposed in Section 5:9 (A)(1) is satisfied.
2. *Non-Residential Construction* - New construction and substantial improvements of any commercial, industrial or other non-residential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.
3. *Enclosures* - New construction and substantial improvements with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.

b. The bottom of all openings shall be no higher than one (1) foot above grade.

c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

4. *Manufactured Homes*

a. Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

b. Require that all manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision in which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

c. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (4) b of this section be elevated so that either:

i. the lowest floor of the manufactured home is at or above the base flood elevation, or

ii. the manufactured home chassis is supported by reinforced piers on other foundation elements of at least equivalent strength that are no less 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

5. *Recreational Vehicles* - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or, (iii) meet the permit requirements of Article 4, Section C(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(Ordinance of May 11, 1981; as amended by Ord. No. 87-09, 7/22/87; Ord. No. 97-14, 7/23/97)

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SECTION 5:14. STANDARDS FOR SUBDIVISION PROPOSALS

A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with the provisions of this Sub-Chapter.

B. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of the provisions of this Sub-Chapter.

C. Base flood elevation data shall be generated for subdivision proposals and other proposed development including manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to the provisions of this Sub-Chapter.

D. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

E. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ordinance of May 11, 1981; as amended by Ord. No. 87-09, 7/22/87; 97-14, 7/23/97)

SECTION 5:15. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES)

A. Located within the areas of special flood hazard established herein, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two (2') feet if no depth number is specified).

2. All new construction and substantial improvements of nonresidential structures:

a. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet (2') if no depth number is specified), or;

b. Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Section, as proposed herein, are satisfied.

4. Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

(Ordinance of May 11, 1981; as amended by Ord. No. 87-09, 7/22/87)

SECTION 5:16. COASTAL HIGH HAZARD AREAS

A. Located within the areas of special flood hazard established herein are areas designated as Coastal High Hazard Areas (Zones V1-30, VE and/or V). These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, in addition to meeting all provisions outlined in this Sub-Chapter, the following provisions must also apply:

1. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures, and whether or not such structures contain a basement. The Floodplain Administrator shall maintain a record of all such information.
2. All new construction shall be located landward of the reach of mean high tide.
3. All new construction and substantial improvements shall be elevated on pilings and columns so that:
 - a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level;
 - b. The pile or column foundation and structure attached thereto is anchored to resist floatation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those required by applicable State or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of (3) a. and b. of this Section.

D. Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system.

1. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and nor more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:
 - a. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
 - b. The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. Such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

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E. Prohibit the use of fill for structural support of buildings.

F. Prohibit man-made alteration of sand dunes and mangrove stands which would increase potential flood damage.

G. *Manufactured Homes* - Require that manufactured homes placed or substantially improved within Zones V1-30, V, and VE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, meet the standards of paragraphs (1) through (6) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones V1-30, V, and VE on the community's FIRM meet the requirements of Article 5, Section B(4) of this ordinance.

H. *Recreational Vehicles* - Require that recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's FIRM either (i) be on the site for fewer than 180 consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the requirements in Article 3, Section C of this ordinance and paragraphs (1) through (6) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(Ordinance of May 11, 1981; as amended by Ord. No. 87-09, 7/22/87; Ord. No. 97-14, 7/23/97)

SECTIONS 5:17 - 5:49. RESERVED

[The next page is Sub-Chapter B, "Derelict Buildings and Structures", page 5-19.]

Sub-Chapter B

Derelict Buildings and Structures

SECTION 5:50. POLICY

The Police Jury shall condemn buildings, dwellings or other structures that are derelict and present a danger to the health and welfare of the residents of Assumption Parish, and compel the owner thereof to repair or demolish such building, dwelling or structure. (Ord. No. 89-12, adopted 8/9/89; as amended by Ord. No. 90-01, 1/10/90; and Ord. No. 90-02 2/14/90)

SECTION 5:51. DEFINITIONS

A. A building, dwelling, or structure is derelict and presents a danger to the health and welfare of the residents of Assumption Parish when:

1. It is unfit for human habitation, or
2. It is in such condition that it constitutes a danger to the health or life of people residing in the vicinity thereof, or
3. It is a fire hazard in the vicinity where it is located.

(Ord. No. 89-12, adopted 8/9/89; as amended by Ord. No. 90-01, 1/10/90; and Ord. No. 90-02 2/14/90)

SECTION 5:52. INSPECTIONS; NOTICE TO OWNER

A. Before the Police Jury may condemn any building, dwelling, or structure, there must be submitted to it a pictures designating that the building, dwelling, or structure is derelict and presents a danger to the health and welfare of the residents of Assumption Parish. Thereafter, the Police Jury shall certify the findings of the pictures by majority vote. The Jury shall request that the owner repair or demolish the building, dwelling, or structure by written notice sent by registered or certified mail, postage prepaid, return receipt requested, or other adequate notice. The requirements for notice to the owner shall be deemed satisfied when:

1. Notice served upon the owner in the same manner as service of citation or other process, whether made by the Sheriff, Deputy Sheriff, Constable, or duly authorized Building Inspector of the Parish.
2. Notice is served by registered or certified mail, return receipt requested, sent to the owner at his actual address or last known address listed on the tax rolls of the Parish.
3. Notice is served in the same manner as service of citation or other process upon any mortgagee or any other person who may have a vested or contingent interest in the premises as indicated in the mortgage records of the Parish, if the owner is absent or is unable to be served in accordance with 1 or 2 above.
4. Notice is made by publication once a week for two (2) weeks consecutively in the Official Journal, if the owner is absent or is unable to be served in accordance with 1, 2, or 3 above.

§ 5:53

B. If the owner fails to commence to demolish or repair the subject building, dwelling, or structure within fifteen (15) days of the receipt of the notice, as provided in this section, the Police Jury, in its discretion, may have the subject building, dwelling, or structure restored to a safe condition or demolished. The Police Jury shall charge the owner for the actual cost incurred of any labor and materials for the work performed, plus a fifteen percent (15%) administration fee and a fifteen percent (15%) collection fee.

C. Restoration or Demolition by Jury

1. If the owner requests an extension to have the subject building, dwelling, or structure repaired to an acceptable state, upon approval and acceptance of the extension by the Assumption Parish Police Jury, owner has 6 months to complete a mobile home renovation and 1 year for any other dwelling renovation.
2. Without an approved extension granted by the Assumption Parish Police Jury, if the owner fails to commence to demolish or repair the subject building, dwelling, or structure within fifteen (15) days of the receipt of the violation notice, as provided in this section, the Police Jury, in its discretion, may have the subject, building, dwelling, or structure restored to a safe condition or demolished. The Police Jury shall charge the owner for the actual cost incurred of any labor and materials for the work performed, plus a fifteen (15%) percent administration and fifteen (15%) percent collection fee.

(Ord. No. 89-12, 8/9/89; as amended by Ord. No. 90-01, 1/10/90; Ord. No. 90-02, 2/14/90; and Ord. No. 94-04, 6/22/94; Ord. No. 06-19, 10/11/06)

SECTION 5:53. PAYMENT AND COLLECTION OF ENFORCEMENT EXPENSES

A. After the Police Jury has restored or demolished the subject building, dwelling or structure, it shall notify the owner thereof of the costs incurred and request payment or reimbursement thereof. Such notice shall be made as specified in Section 5:52. Upon failure of the owner to pay or reimburse the charges, the Police Jury shall file an affidavit signed by the acting Police Jury President, together with copy of said charges in the Mortgage Office of the Parish Clerk of Court. The affidavit shall include a description of the property sufficient to reasonably identify the immovable property, and the name, when so filed and recorded, shall operate as a lien and a privilege in favor of the Parish against the property on which said building, dwelling, or structure was repaired or demolished.

B. The privilege and lien shall be enforced by ordinary process in the district court having jurisdiction of the immovable. In addition to the lien amount, the Parish may recover all costs of court and attorney fees incurred in the locating of the owner, the notification to the owner, and enforcement and collection of the amounts secured by the lien. The Parish may also recover interest on the amounts secured by the lien, which interest shall not exceed the legal rate of judicial interest and shall be computed from the date of recordation of the lien, until paid.

C. The lien and privilege shall not be canceled until after payment of all amounts, including costs, attorney's fees, and interest.

D. If said invoice is not paid by the owner within thirty (30) days of its receipt (as provided in Section 5:52), the amount thereof plus fifteen percent (15%) collection charges and fifteen percent (15%) administration fees shall be included in and form part of the ad valorem taxes due on said property by the owner and when collected shall be credited to the General Fund of the Parish. The Parish shall adopt an ordinance levying the charges as an assessment to be added to the annual ad valorem tax bill of the property in valued. The ordinance shall be forwarded to the Tax Collector of Assumption Parish.

(Ord. No. 89-12, 8/9/89; as amended by Ord. No. 90-01, 1/10/90; Ord. No. 90-02, 2/14/90; and Ord. No. 94-04, 6/22/94)

SECTION 5:54. PROHIBITIONS

It shall be unlawful for the owner to maintain any building, dwelling, or structure that is derelict and presents a danger to the health and welfare of the residents of the Parish of Assumption or to permit such building, dwelling, or structure to become derelict and presents a danger to the health and welfare of the residents of the Parish of Assumption. (Ord. No. 89-12, 8/9/89; as amended by Ord. No. 90-01, 1/10/90; and Ord. No. 90-02 2/14/90)

SECTION 5:55. VIOLATIONS PENALTY

Whoever violates any provision of this Sub-Chapter, or by any means or actions, prevents or attempts to prevent any employee of and/or other person authorized by the Parish from carrying out any provision of this Sub-Chapter, shall be fined an amount not to exceed five hundred dollars (\$500.00) or imprisonment for a period not to exceed thirty (30) days, or both, upon conviction thereof and in the discretion of the court. (Ord. No. 89-12, 8/9/89; as amended by Ord. No. 90-01, 1/10/90; and Ord. No. 90-02 2/14/90)

SECTIONS 5:56 - 5:99. RESERVED

[RESERVED]

[The next page is Sub-Chapter C, "Miscellaneous Provisions", page 5-27.]

Sub-Chapter C

Miscellaneous Provisions

Article I. Sewers and Sewage Disposal

SECTION 5:100. DEFINITIONS

A. For purpose of this Article the following word(s) are hereby defined:

Sewerage - A combination of the liquid or water carried waste from residence(s), business(es), building(s) and institution(s).

(Ord. No. 87-03, 4/8/87)

SECTION 5:101. GENERAL REQUIREMENTS

Every new premise, public or private, where people live, work or congregate, shall be provided with approved toilet facilities, including hand washing facilities. Said facilities shall be properly connected to a public sewerage system where available or to a private sewage disposal system specifically approved for the premises by the State Health Officer or duly authorized representative, after determining that the installation and operation of an individual system will not create a nuisance or public health hazard. It shall be the duty of the owner, manager or agent of any occupied premises public or private where people live or work to provide an approved method of sewage disposal. (Ord. No. 87-03, 4/8/87)

SECTION 5:102. DISPOSAL

The contents of effluent from any water closet, sink, lavatory, bathtub, shower drain, kitchen fixture, laundry fixture, vault, privy, leaching pit, chemical toilet or septic tank shall not be discharged directly or indirectly into any street, gutter, ditch, body of water or onto the surface of the ground except as may be approved by the State Health Officer or his authorized representative. In no case shall a sewage disposal tank be located less than fifty feet (50') and the disposal field and lines one hundred feet (100') from any water well, spring or other water supply structure. (Ord. No. 87-03, 4/8/87)

Cross References -- Administration, Ch. 2; flood damage prevention, Ch. 5; franchises and agreements, Ch. 8; garbage, trash, hazardous waste and weeds, Ch. 9; health and sanitation, Ch. 10; mobile homes and mobile home parks, Ch. 27; planning, Ch. 19; roads, bridges, watercourses and drainage, Ch. 25; subdivisions, Ch. 26;

State Law References -- Louisiana Environmental Quality Act, R.S. 30:1051 et seq.; sewage disposal, R.S. 33:3881 et seq.; sewage treatment plants outside active sewer districts, R.S. 33:3881.1; public utilities, R.S. 33:4161 et seq., Title 45; taxes for public improvements and services, R.S. 39:801 et seq.; regulation of sewerage systems by health authorities, R.S. 40:1141 et seq.; industrial waste disposal, transportation of waste material into Louisiana, R.S. 40:1299.36; regulation of sewage disposal companies by public service commission, R.S. 45:1203.

§ 5:110

SECTION 5:103. PERMITS

No person, partnership, institution, corporation or other organizations shall install or cause to be installed an individual sewage disposal system of any kind without first having obtained a work authorization for such installation from the State Health Officer or his duly authorized representative. No individual sewage disposal system shall be used or placed in operation without final approval in the form of a permit issued by the State Health Officer of his duly authorized representative. (Ord. No. 87-03, 4/8/87)

SECTION 5:104. PLANS AND SPECIFICATIONS

Plans and specifications must be submitted for each installation or alteration at the time of application for work authorization from the Assumption Parish Health Unit. As a part of the plans and specifications, a plot plan showing proposed and/or existing habitations to be included in the disposal system proposed must be provided. Individual sewage disposal systems, concrete vault, chemical toilets, oxidation ponds, mechanical treatment or any other facilities for sewage treatment shall not be installed or materially altered except in accordance with plans and specifications and specifically approved for each installation or alteration by the State Health Officer or his duly authorized representative. (Ord. No. 87-03, 4/8/87)

SECTION 5:105. MOBILE AND MODULAR HOMES

The mobile or modular home installation shall comply with all requirements for location of a normal dwelling unit and all requirements for individual sewage systems shall apply. (Ord. No. 87-03, 4/8/87)

SECTION 5:106. OPERATION PERMITS FOR SEWER INSTALLATION

A. No person or persons shall engage in the business or practice of installing, emptying or cleaning septic tanks, cesspools, vaults or similar facilities without first obtaining a written permit to operate from the State Health Officer or his duly authorized representative (Assumption Parish Health Unit). Said permit shall be for a period of one (1) year.

B. All such work done by such person or persons shall comply with Chapter 13 of the Sanitary Code of the State of Louisiana or the permit shall be revoked.

C. Persons engaged in emptying or cleaning sewage facilities must have a disposal area approved by the State Health Officer or his authorized representative.

(Ord. No. 87-03, 4/8/87)

SECTION 5:107. PREREQUISITE FOR FLOOD HAZARD DEVELOPMENT PERMIT

No Flood Hazard Development Permit shall be issued to any person by an employee of the Assumption Parish Police Jury until satisfactory evidence is obtained that said person has complied with the provisions of this Article. (Ord. No. 87-03, 4/8/87)

SECTIONS 5:108 - 5:110. RESERVED

Article II. Miscellaneous Building Requirements

SECTION 5:111. BACKFLOW PREVENTION SYSTEM

A. The following standards for backflow prevention systems are hereby adopted:

1. Residential and Commercial facilities will have a minimum of a double check value.
2. Industrial Facilities will have a Backflow Preventor or Air Gap System, to be inspected annually.

(Ord. No. 98-01, 3/11/98)

SECTIONS 5:112 - 5-114. RESERVED

[RESERVED]

[The next page is Sub-Chapter D, "Communications Towers", page 5-33.]

Sub-Chapter D

Communications Towers

SECTION 5:115. AUTHORITY AND NEED TO ESTABLISH PERMIT REQUIREMENT FOR COMMUNICATION TOWER CONSTRUCTION

The Assumption Parish Police Jury, Parish of Assumption, State of Louisiana, affirms and recognizes the need to establish guidelines and procedures for the construction, location, and maintenance of communication towers within the parish, to the extent permitted by law, as the same may fall under the authority and control of the Assumption Parish Police Jury, under its general administrative and police powers, as the same may be vested in the Assumption Parish Police Jury by the constitution and laws of the State of Louisiana.

SECTION 5:116. ESTABLISHMENT OF COMMUNICATION TOWER PERMIT REQUIREMENTS

All corporations, firms or persons desiring to construct, locate, or maintain communication towers in the Parish of Assumption, Louisiana, that may affect in any way the controlled development of the parish, the general welfare of the parish, the police power of the parish and the public safety concerns of the parish, shall apply for and obtain a communication tower project permit from the Assumption Parish Police Jury in the form and under the terms and conditions developed by the Assumption Parish Police Jury, and as set out in said permit, a copy of which is available to any applicant at the Office of Emergency Preparedness in Napoleonville, Assumption Parish, Louisiana. Said terms and conditions, at a minimum shall include.

Construction standards in accordance with accepted industry practice; a demonstration of licensing, permit and other compliance with all applicable local, state and federal administrative construction, public safety and regulatory agency codes and regulations; a demonstration that the proposed communications will not degrade nor interfere with public safety communications; an indication of the applicant's ability or interest in permitting the colocation of communication facilities of other private and/or public safety, communication providers; an agreement holding harmless the Assumption Parish Police Jury for any and all liability which may occur as the result of the construction, location and/or maintenance of communication towers; a right of inspection by the parish engineer to ascertain compliance with any applicable codes and regulations; the designation of a local or state contact person in the event any emergency communication with the applicant is required; and such other requirement deemed necessary by the Emergency Preparedness Director or Parish Engineer as the same requirements may meet the general welfare of the parish, the police power of the parish and the public safety concerns of the parish.

SECTION 5:117. DEFINITION, STANDARDS AND PERMIT PROCESS

For the purposes of this Chapter a communications tower is defined as a guyed tower or self-supported tower constructed as a free-standing structure for the purpose of elevating one or more antennas, receivers or transmitters used for communication purposes.

Guyed towers shall not exceed 400 feet in height and shall have a minimum of four anchoring points.

Monopole self-standing towers shall not exceed 150 feet in height.

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Three-leg self-standing towers shall not exceed 300 feet in height.

Four-leg self-standing towers shall not exceed 400 feet in height.

Maximum height for towers shall be 400 feet unless the Assumption Parish Police Jury grants a variance.

All towers shall be at least 600 feet from any parish road, state highway or permanent dwelling unless the Assumption Parish Police Jury gives a variance.

All tower designs and application shall be submitted to the Office of Emergency Preparedness for approval in triplicate. A \$2.00 per foot fee shall be made payable to the Assumption Parish Police Jury and shall be submitted along with the design.

A licensed engineer shall design all towers, and the drawings shall have his or her signature and professional seal.

All Federal Communications Commission (FCC) Regulations shall have been met and a copy of the permit shall be submitted with the design.

A certification from the Federal Aviation Authority (FAA) approving the height and location of the proposed tower shall be submitted to the parish along with the design.

SECTION 5:118. PENALTIES

Whoever undertakes the construction, location or maintenance of a communication tower without first obtaining a permit as provided herein shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$500.00 or serve a term in the Parish Jail of no more than 10 days, at the discretion of the Court.

SECTION 5:119. EFFECT OF PREEMPTIVE LAWS AND SEVERANCE CLAUSE

The Sub-Chapter shall be subject to, and preempted by, any state or federal laws, and/or regulations, the effect of which would preempt the exercise of any of the requirements herein set forth. If any clause, paragraph, provision, portion or section of this Sub-Chapter be held preempted by any state or federal laws and/or regulations, or invalid for any other reason, by any court of competent jurisdiction, such holding shall not affect any other clause, paragraph, provision, portion or section of this Sub-Chapter.

(Ord. No. 98-02, 2/24/98; as amended by Ord. No. 00-17, 10-25-00, Ord. No. 01-08, 6-13-01.)

SECTION 5:120 – 5:299 RESERVED

[RESERVED]

[The next page is Sub-Chapter E, "Building Codes", page 5-38]

Sub-Chapter E

Building Codes

Article I. GENERAL, TITLE, SCOPE AND PURPOSE

SECTION 5:300. TITLE

These provisions shall be known as the construction code of Assumption Parish and will be referred to herein as “this code or the code.”

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:301. SCOPE

The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, use and occupancy, location and maintenance of every building or structure or any appurtenances connected or attached to such buildings or structures.

- A. Appendices. Provisions in the appendices shall not apply unless specifically adopted herein or made a part of.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:302. PURPOSE

The purpose of this code is to provide minimum requirements to safeguard the public health, safety and general welfare through, structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from hazards attributed to the built environment.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:303. REFERENCED CODES

The other codes listed in this section and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

- A. Building. The provisions of the 2006 edition of the *International Building Code*, excluding Chapter 27- Electrical and Chapter 29- Plumbing Systems and including only Appendix Chapters C, “Group U—Agricultural Buildings;” Appendix D, “Fire Districts;” Appendix E, “Supplementary Accessibility Requirements;” Appendix F, “Rodent Proofing;” Appendix G, “Flood Resistant Construction;” Appendix H, “Signs;” Appendix I, “Patio Covers;” and Appendix J, “Grading,” is hereby adopted as the Building Code of Assumption Parish, for the purpose of regulating and governing the conditions and maintenance of all property, buildings, and structures in Assumption Parish.
- B. Electrical. The provisions of the *National Electrical Code* shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

- C. Gas. The Provisions of the *International Fuel Gas code* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.
- D. Mechanical. The provisions of the *International Mechanical Code* shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.
- E. Plumbing. The provisions of the *2000 edition of the Louisiana State Plumbing Code, published by the Department of Health and Hospital* shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fitting and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions said code shall apply to private sewage disposal systems.
- F. Property maintenance. The provisions of the *International Property Maintenance Code* shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.
- G. Fire prevention. The provisions of the *Louisiana State Uniform Fire Prevention Code* shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.
- H. Energy. The provisions of the *International Energy Conservation Code* shall apply to all matters governing the design and construction of buildings for energy efficiency.
- I. Existing building. The provisions of the *International Existing Building code* shall apply to matters governing the design and construction of existing buildings with the exception of Appendix J.
- J. Residential. The provision of the *International Residential Code* not including Parts V. Mechanical, VII Plumbing, and VIII Electrical.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTIONS 5:304-5:309 RESERVED

§ 5:315

Article II. Applicability

SECTION 5:310 GENERAL

Where, in any specific case, different sections of this code specify different material, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:311 OTHER LAWS

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:312 APPLICATION OF REFERENCES

References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:313 REFERENCED CODES AND STANDARDS

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

- A. Exception. Where enforcement of a code provision would violate the conditions of the listing of the equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:314 PARTIAL INVALIDITY

In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:315 EXISTING STRUCTURES

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Property Maintenance Code* or the *Louisiana State Uniform Fire Prevention Code*, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

§ 5:331

- A. Alterations or Repairs. Alterations or repairs to any structure of more than 50% of the working area or items under repair shall conform to the requirements for a new structure without requiring the existing area to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTIONS 5:16-5:321 RESERVED

Article III. Department of Building Safety

SECTION 5:322 CREATION OF ENFORCEMENT AGENCY

The South Central Regional Construction Code Council is hereby created and shall be responsible for the overall administration of this code and the official in charge thereof shall be known as the building official. Whenever the term “department of building safety” is used in the codes adopted in this chapter, it shall mean the South Central Regional Construction Code Council.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:323 APPOINTMENT

The regional building official shall be appointed by the chief appointing authority of the jurisdiction.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:324 DEPUTIES

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officer, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTIONS 5:325-5:330 RESERVED

Article IV. Duties and Powers of Building Official

SECTION 5:331 GENERAL

The building official or the State Fire Marshall is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

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SECTION 5:332 APPLICATIONS AND PERMITS

The building official or his designee shall receive applications, review construction documents and approve for the erection, and alterations, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code. The Parish Permit office shall issue all documents and forward a copy to building official.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:333 NOTICES AND ORDERS

The building official or his designee shall issue all necessary notices or orders to ensure compliance with this code.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:334 INSPECTIONS

The building official shall have the authority to make all of the required inspections and/or accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:335 IDENTIFICATION

The building officials and his designees shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:336 RIGHT OF ENTRY

Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested . If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:337 DEPARTMENT RECORDS

The building official shall keep official records of application received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:338 LIABILITY

The building official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that an officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:339 APPROVED MATERIALS AND EQUIPMENT

Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

- A. Used Materials and Equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Used materials, equipment and devices shall not be reused unless approved by the building official or his designee.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:340 MODIFICATIONS

Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special circumstance makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety requirements or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the local jurisdiction.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

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**SECTION 5:341 ALTERNATIVE MATERIALS,
DESIGN AND METHODS OF CONSTRUCTION AND EQUIPMENT**

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Compliance with the specific performance-based provisions of the *International Codes* in lieu of specific requirements of this code shall also be permitted as an alternate.

- A. Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.
- B. Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTIONS 5:342-5:347 RESERVED

Article V. Permits

SECTION 5:348 REQUIRED

Any owner or authorized agent who intends to construct, enlarge, renovate or more than 50% of work area of such that requires inspection for Code Compliance or change the occupancy of a building or structure, shall first make application to the Parish Permit Office and obtain the required permit. If anyone should require an inspection to comply for any repair or renovation, a permit for said work can be obtained at the Permit Office. (Voluntary)

- A. Annual Maintenance Permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefore to any person, firm or corporation regularly employing one or more qualified trade persons in the building, structure or on the premises owned or operated by the applicant for the permit.
- B. Annual Maintenance Permit Records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:349 WORK EXEMPT FROM PERMIT

Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

1. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
2. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
3. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work
4. Temporary motion picture, television and theater stage sets and scenery.
5. Prefabricated swimming pools that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground.
6. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
7. Swings and other playground equipment.
8. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional.
9. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:350 WORK EXEMPT FROM PLANS AND INSPECTION

Exemption from **plans and inspection** requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. **Plans and inspection** shall not be required for the following:

- A. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet.
- B. Electrical:
 1. Repairs and maintenance: A permit shall not be required for repair work including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
 2. Minor repair work shall be defined as any work where it is not necessary to remove and replace wiring with new material; such work shall be considered as new work and a permit shall be obtained and inspection made, as provided in this code.
- C. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
- D. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

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E. Gas: A permit shall not be required for repair work.

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

F. Mechanical: A permit shall not be required for repair work.

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (5 kg) or less of refrigerant and/or that are actuated by motors or compressors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

G. Plumbing: A permit shall not be required for repair work.

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

H. Landscaping: A permit is not required for landscaping.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:351 EMERGENCY REPAIRS

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within three (3) working business day to the building official.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:352 PUBLIC SERVICE AGENCIES

A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:353 APPLICATION FOR PERMIT

- A. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the local jurisdiction for that purpose. Such application shall:
 - 1. Identify and describe the work to be covered by the permit for which application is made.
 - 2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
 - 3. Indicate the use and occupancy for which the proposed work is intended.
 - 4. Be accompanied by construction documents and other information as required.
 - 5. State the valuation of the proposed work.
 - 6. Be signed by the applicant or the applicant's authorized agent.
 - 7. Give such other data and information as required by the building official.

- B. Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

- C. Time limitation of application. An application for a permit for any proposed work shall be deemed to have been expired 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

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SECTION 5:354 VALIDITY OF PERMIT

The Issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:355 EXPIRATION

Permits shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period exceeding 180 days after the time the work is commenced. The building official or his designee is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable caused demonstrated.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:356 SUSPENSION OR REVOCATION

The building official or his designee is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:357 PLACEMENT OF PERMIT

The building permit or copy thereof shall be kept on the site of the work and remain visible from the road or nearest public property until the completion of the project.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:358 RESPONSIBILITY

It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical plumbing systems, for which this code is applicable, to comply with this code.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTIONS 5:359-5:364 RESERVED

*Article VI. Construction Documents***SECTION 5:365 SUBMITTAL DOCUMENTS**

Construction documents, statement of special inspection and structural observation programs and other data shall be submitted in one or more sets with each permit application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with this code.

- A. Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulation, as determined by the building official.
 - 1. Fire protection system shop drawings. Shop drawings for the fire protection system(s) for commercial buildings shall be submitted to the Louisiana State Fire Marshal's Office.
- B. Manufacturer's installation instructions. Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.
- C. Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. For commercial/industrial, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.
- D. Information for construction in flood hazard areas. For buildings and structures located in whole or in part in flood hazard areas as established by the local jurisdiction, construction documents shall include:
 - 1. Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate;
 - 2. The elevation of the proposed lowest floor, including basement, in areas of shallow flooding (AO zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade; and
 - 3. The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V zone); and
 - 4. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the building official and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

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- E. Exterior wall envelope. Construction documents for all building shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.

The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system which was tested, where applicable, as well as the test procedure used.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:366 SITE PLAN

The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, and distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:367 EXAMINATION OF DOCUMENTS

The building official shall examine or cause to be examined the accompanying construction documents for code compliance and shall ascertain by such examination whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

- A. Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by a stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or his duly authorized representative.
- B. Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.
- C. Phased approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that

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adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

D. Design profession in responsible charge.

1. General. When it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.
2. Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the building official.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:368 AMENDED CONSTRUCTION DOCUMENTS

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:369 RETENTION OF CONSTRUCTION DOCUMENTS

One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTIONS 5:370-5:375 RESERVED

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Article VII. TEMPORARY STRUCTURES AND USES

SECTION 5:376 GENERAL

The permit office is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The permit office is authorized to grant extensions for demonstrated cause.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:377 CONFORMANCE

Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:378 TEMPORARY POWER

The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the *National Electrical Code*.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:379 TERMINATION OF APPROVAL

The building official or his designee is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTIONS 5:380-5:385 RESERVED

Article VIII. Fees

SECTION 5:386 PAYMENT OF FEES

A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:387 SCHEDULE OF PERMIT FEES

On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. A building permit shall not be issued, nor shall the application for a building permit be accepted, until the fees prescribed in this section shall have been paid. Nor shall an amendment to a permit application be approved until the additional fee, if any due to an increase in the estimated cost of the building or structure shall have been paid. A certificate of occupancy shall not be issued, nor shall the certificate of occupancy application be accepted, until the fees prescribed in this section shall have been paid.

All building permits expire one (1) year from the date of issuance. A written extension may be applied for continuance of permit but in no instance shall extensions exceed one (1) additional year.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:388 BUILDING PERMIT VALUATIONS

Building permit valuation shall include total value of the work for which a permit is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems, including materials and labor.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:389 WORK COMMENCING BEFORE PERMIT ISSUANCE

Any person who without prior permission from the building official commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the local jurisdiction that may be in addition to the required permit fees.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:390 RELATED FEES

The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of compliance to the law.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:391 REFUNDS

The South Central Regional Construction Code Council is authorized to establish a refund policy.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

Editor's Note: -- The Police Jury amended the Cooperative Endeavor Agreement with South Central Planning and Development Commission as it applies to the permit fee schedule by Ord. No. 08-13 of 11/12/08. That ordinance amended the permit fee schedule and further allowed future fee schedule modifications to be approved or denied by resolution.

SECTIONS 5:392-5:397 RESERVED

Article IX. INSPECTIONS

SECTION 5:398 GENERAL

Construction or work for which a permit is required shall be subject to inspection by the building code official and such construction or work shall remain accessible and exposed for inspecting purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit

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applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:399 PRELIMINARY INSPECTION

Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:400 FOUNDATION INSPECTION

Inspection of the foundation shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:401 CONCRETE SLAB AND UNDER-FLOOR INSPECTION

Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the sub floor.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

**SECTION 5:402 PLUMBING, MECHANICAL, GAS,
AND ELECTRICAL SYSTEMS INSPECTION**

Rough inspection of plumbing, mechanical, gas and electrical system shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

Exception: Back-filling of ground-source heat pump loop systems tested in accordance with Section M2105.1 prior to inspection shall be permitted.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:403 FLOODPLAIN INSPECTIONS

For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, and prior to further vertical construction, the building official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in Section R324.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:404 FRAME AND MASONRY INSPECTIONS

Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, fire-stopping, draft-stopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are approved.

SECTION 5: 405 FIRE-RESISTANCE-RATED CONSTRUCTION INSPECTIONS

Where fire-resistance-rated construction is required between dwelling units or due to location on property, the building official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.

- A. Reinforced masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection. Reinforced masonry walls, insulating concrete form (ICF) walls and conventionally formed concrete walls shall be inspected after plumbing, mechanical, and electrical systems embedded within the walls, and reinforcing steel are in place and prior to placement of gout or concrete. Inspection shall verify the correct size, location, spacing, and lapping of reinforcing. For masonry walls, inspection shall also verify that the location of grout cleanouts and size of grout spaces comply with the requirements of this code.

SECTION 5:406 ENERGY EFFICIENCY INSPECTIONS

Inspections shall be made to determine compliance with Chapter 13 and shall include, but not limited to, inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:407 OTHER INSPECTIONS

In addition to the called inspections above, the building official may make or require any other inspections to ascertain compliance with this code and other laws enforced by the building official.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:408 FINAL INSPECTION

Final inspection shall be made after the permitted work is complete and prior to occupancy.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:409 INSPECTION AGENCIES

The building official is authorized to accept reports of approved agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

§ 5:419

SECTION 5:410 INSPECTION REQUESTS

It shall be the duty of the permit holder or their agent to notify the building official that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide access to the means for inspection of such work.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:411 APPROVAL REQUIRED

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTIONS 5:412-5:417 RESERVED

Article X. Certificate of Occupancy

SECTION 5:418 USE AND OCCUPANCY

No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of compliance as provided herein. The permit office will then issue a Certificate of Occupancy once all other requirements have been met. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

Exceptions: Certificates of occupancy are not required for work exempt from permits under Section 5:349.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:419 CHANGE IN USE

Changes in the character or use of an existing structure shall not be made except as specified in Sections 3406 and 3407 of the *International Building Code*.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:420 CERTIFICATED ISSUED

After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the local jurisdiction, the building official or his designee shall issue a certificate of compliance e which shall contain the following:

- A. The building permit number.
- B. The address of the structure.
- C. The name and address of owner.
- D. A description of that portion of the structure for which the certificate is issued.
- E. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy was permitted.
- F. The name of the building official.
- G. The edition of the code under which the permit ws issued.
- H. The type of construction.
- I. The design occupant load.
- J. If an automatic sprinkler system is provided, whether or not the sprinkler system is required.
- K. Any special stipulations and conditions of the building permit.

After a certificate of compliance has been issued by building official and all other provisions complied to the Parish Permit Office, a Certificate of Occupancy will be issued.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:421 TEMPORARY OCCUPANCY

The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:422 REVOCATION

The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provision of this code.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTIONS 5:423-5:428 RESERVED

§ 5:439

Article XI. Service Utilities

SECTION 5:429 CONNECTION OF SERVICE UTILITIES

No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:430 TEMPORARY CONNECTION

The building official shall have the authority to authorize and approve the temporary connection of the building or system to the utility source of energy, fuel or power.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:431 AUTHORITY TO DICONNECT SERVICE UTILITIES

The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standard set forth in Section 5:313 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the required approval. The building official shall notify the serving utility and, whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTIONS 5:432-5:437 RESERVED

Article XII. Board of Appeals

SECTION 5:438 GENERAL

In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The building official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the South Central Regional Construction Code Council and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellants with a duplicate copy to the building official.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:439 LIMITATIONS ON AUTHORITY

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have not authority to waive requirements of this code.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:440 QUALIFICATIONS

The board of appeals shall consist of members who are chief elected officials of each participating jurisdiction or their designee.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:441 ADMINISTRATION

The building official shall take immediate action in accordance with the decision of the board.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTIONS 5:442-5:447 RESERVED

Article XIII. VIOLATIONS

SECTION 5:448 UNLAWFUL ACTS

It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:449 NOTICE OF VIOLATION

The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of the detailed statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:450 PROSECUTION OF VIOLATION

If the notice of violation is not complied with in the time prescribed by such notice, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equality to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

§ 5:467

SECTION 5:451 VIOLATION PENALTIES

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTIONS 5:452-5:457 RESERVED

Article XIV. Stop Work Order

SECTION 5:458 NOTICE TO OWNER

Upon notice from the building official that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:459 UNLAWFUL CONTINUANCE

Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTIONS 5:460-5:465 RESERVED

Article XV. Unsafe Structures and Equipment

SECTION 5:466 CONDITIONS

Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building officials deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:467 RECORD

The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:468 NOTICE

If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe conditions, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:469 METHOD OF SERVICE

Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTION 5:470 RESTORATION

The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of this code.

(Ord. No. 09-11, 05/27/09; Ord. No. 09-19, 10/14/09)

SECTIONS 5:471-5:475 RESERVED

[RESERVED]

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PREPAREDNESS, page 6-1.]