

ORDINANCE NO. 95

AN ORDINANCE TO AMEND CHAPTER 2 OF ORDINANCE NOS. 60 AND 86 OF THE CODE OF ORDINANCES OF THE VILLAGE OF CHOUDRANT RELATIVE TO THE ADOPTION OF VARIOUS BUILDING AND CONSTRUCTION CODES AND THE ENFORCEMENT OF SAID CODES; TO ADOPT THE LOUISIANA STATE UNIFORM CONSTRUCTIO CODE; TO PROVIDE FOR THE ENFORCEMENT THEREOF; TO PROVIDE THAT THE ADOPTION OF SAID CODE SHALL NOT PROVIDE ANY WARRANTY OR GUARANTEE TO THIRD PARTIES; TO PROVIDE FOR THE EFFECTIVE DATE THEREOF; AND OTHERWISE TO PROVIDE WITH RESPECT THERETO.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Aldermen of the Village of Choudrant, Louisiana, convened in Regular Session this 3rd day of December, 2007, that Chapter 2 of Ordinance Nos. 60 and 86 of the Village of Choudrant, Louisiana, is hereby amended and reenacted to read as follows:

SECTION 1.

**“CHAPTER II. BUILDING AND DEVELOPMENT REGULATIONS
ARTICLE A. BUILDING CODES ADOPTED**

Section 2-1. Definitions

- (a) ‘Farm Structure’ shall mean a structure which is constructed on a farm, other than a residence or a structure attached to it, for use on the farm; including, but not limited to, barns, sheds and poultry houses, but not public livestock areas. However, said term shall not include a structure originally qualifying as a ‘farm structure’, but later converted to another use.
- (b) ‘Recreational Camps’ shall mean private outdoor recreational structures, other than a residence, such as hunting or fishing camp.

Section 2-2. Adoption of Louisiana State Uniform Construction Code

Pursuant to the provisions of LSA-R.S. 40:1730.21, et seq., the following codes are hereby adopted as the regulations governing the construction, reconstruction, alteration or repair of buildings and other structures located outside of the corporate limits of the municipalities in Lincoln Parish; excluding farm structures and recreational camps:

- (A) International Building Code, excluding Parts I-Administrative, Chapter 11-Accessibility, Chapter 27-Electrical and Chapter 29-Plumbing Systems. The applicable standards referenced in that code are also included.
- (B) International Existing Building Code, excluding Parts I-Administrative. The applicable standards referenced in that code are also included. However, the appendices to that code are excluded.
- (C)(1) International Residential Code, excluding Parts I-Administrative, V-Mechanical, VII-Plumbing and VIII-Electrical. The applicable standards referenced in that code are also included. The enforcement of such standards shall be mandatory only with respect to new construction, reconstruction, additions to homes previously built to the International Residential Code, and extensive alterations. The appendices to that code are excluded.

For purposes of this Part, IRC R301.2.1.1 (Design Criteria) shall be amended as follows and shall only apply to the International Residential Code, 2003 edition:

- (a) Amendment of R301.2.1.1 (Design Criteria).
- (b) Item 6, the American Concrete Institute, *Guide to Concrete Masonry Residential Construction in High Winds Areas*, shall be added.
- (c) Item 7, Institute for Business & Home Safety, *Optional Code-plus Fortified for Safer Living*, shall be added.
- (d) Item 8, Federal Alliance for Safe Homes, *Optional Code-plus Blueprint for Safety*, shall be added.

(2) For purposes of this Paragraph, an extensive alteration shall mean an alteration when the total area of all the work areas included in the alteration exceeds fifty percent of the area of the dwelling unit.

(3) For purposes of this Paragraph, "reconstruction" and "alteration" shall have the same meaning as such terms are defined in Appendix J of the 2006 edition of the International Residential Code. For purposes of this Paragraph, "addition" shall have the same meaning as such term is defined in Part II of the 2006 edition of the International Residential Code.

(4) Part IV-Energy Conservation of the latest edition of the International Residential Code is hereby amended to require that supply and return ducts be insulated to a minimum of R-6.

(5) For purposes of this Paragraph, the 2006 edition of the International Residential Code is hereby adopted and amended to include Section R301.2.1.1 of the 2003 edition of the International Residential Code in lieu of Section R301.2.1.1 of the 2006 edition. The code adopted and amended above in this Paragraph shall remain in effect until the 2009 edition of the International Residential Code is published, at which time such edition of the code shall become applicable. Thereafter, the latest edition of the International Residential Code shall become applicable.

(D) International Mechanical Code. The standards referenced in that code are also included. However, the appendices to that code are excluded.

(E) The Louisiana State Plumbing Code [Part XIV (Plumbing) of the State Sanitary Code] as amended by the state health officer acting through the office of public health of the Department of Health and Hospitals. Nothing in this Part shall be construed so as to prevent the state health officer from enforcing Part XIV (Plumbing) of the State Sanitary Code, the enforcement of which is his statutory and regulatory responsibility.

(F) International Fuel Gas Code. The standards referenced in that code are also included. However, the appendices to that code are excluded.

(G) National Electric Code.

Nothing contained in this Section to the contrary shall affect the applicability to residential construction of the standards published by the Federal Emergency Management Agency for the National Flood Insurance Program.”

Section 2-3. Regulation of Construction or Improvement of Industrial Facilities

Excluding the applicable requirements of the Louisiana State Plumbing Code, the provisions of this Ordinance shall not apply to the construction or improvement of the following types of industrial facilities that are engaged in activities defined or classified under one or more of the following subsectors, industry groups, or industries of the 1997 North American Industry Classification System (NAICS):

- (1) 22111 electric power generation.
- (2) 321 wood products manufacturing.

- (3) 322 paper manufacturing.
- (4) 324 petroleum and coal products manufacturing.
- (5) 325 chemical manufacturing.
- (6) 326 plastics and rubber products manufacturing.
- (7) 331 primary metals manufacturing.
- (8) 562211/562212 hazardous and solid waste landfills.
- (9) 422710 bulk stations and materials.
- (10) 486110 crude oil pipelines.
- (11) 486910 refined petroleum products pipelines.
- (12) 486210 natural gas pipelines.
- (13) 486990 other pipelines.
- (14) 211112 natural gas processing plants.

Section 2-4. Regulation of Construction and Installation of Manufactured Housing

Nothing in this Ordinance shall conflict with the Federal Department of Housing and Urban Development’s regulations regarding manufactured housing construction or the provisions of LSA-R.S. 51:912.21 et seq., as it relates to manufactured housing installation. Furthermore, any service, renovation, repair, or warranty work performed on a manufactured home shall be handled under the appropriate federal standards governing manufactured housing construction or state standards governing installation and all such work shall fall under the jurisdiction of the Louisiana Manufactured Housing Commission. Additionally, the exemption for manufactured housing provided for in this Section shall extend to and include driveways, steps, decks, or other similar accessory structures or work, but shall not include any additional living area or other type of heated and cooled space outside of the original footprint of the manufactured home.

Section 2-5 through 2-10 (reserved)

ARTICLE B. ADMINISTRATION OF DEVELOPMENT CODES

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Section 2-12. Permits

It shall be unlawful to construct, reconstruct, alter or repair any building or structure, excluding farm structures and recreational camps; or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the State Uniform Construction Code adopted in Section 2-2, or to cause any such work to be done, without first obtaining a properly issued permit from the Village of Choudrant Department of Code Enforcement.

Section 2-13. Application for Permit

The permit mandated under Section 2-12, shall only be issued after the owner or his designee has submitted an application for a construction permit to the Village of Choudrant Department of Code Enforcement and that Code Enforcement Officer has approved the application for permit. The application shall, at a minimum, include the following information:

- a) Name, address, and daytime telephone number of owner;
- b) Name, address, and daytime telephone number of any and all contractors;
- c) Location of the construction, including the legal description of the property upon which the permit is to be issued;
- d) Description of the construction, including but not limited to square footage, type of construction, intended occupancy, and whether any work will involve the following types;
 - 1) Electrical,
 - 2) Concrete or masonry,
 - 3) Plumbing,

- 4) Structural, and
- 5) Natural gas, liquefied gas, or other gas fuel;
- e) Anticipated completion of construction;
- f) Permit from the State of Louisiana Health Department for all necessary sanitary facilities and water supply;
- g) For all property located in or in close proximity to flood prone zones, a certificate of property elevation above mean sea level, and elevation projecting one-hundred-year floodwater level, which certificate shall be prepared and signed by a registered civil engineer or licensed land surveyor; and
- h) Evidence that all fees for the issuance of permits, plan reviews and inspections to be conducted have been paid.

Section 2-14. Certificate of Compliance

It shall be unlawful for any structure or other construction which is required to be permitted under Section 2-2 to be occupied, used, or otherwise put in service before the Village of Choudrant Department of Code Enforcement has issued a certificate of completion and compliance for the permitted work. The certificate of completion and compliance shall include the following information:

- a) Name, address, and daytime telephone number of owner;
- b) Names, address, and daytime telephone number of any and all contractors;
- c) Location of the construction;
- d) Description of the construction, including but not limited to square footage, type of construction and intended occupancy; and
- e) Date of construction.

Section 2-15. Permit Fee

The fee for the permitting process set forth in this Ordinance shall be in accordance with the fee schedule approved by the Board of Aldermen of the Village of Choudrant.

Section 2-16. Enforcement of Construction Code

The Code Enforcement Officer may, in addition to any and all other remedies provided by law, apply for injunctive relief, mandamus or other appropriate proceedings in the Third Judicial District Court, or otherwise, seek to enjoin further construction or work which is required to be permitted under this Chapter and which construction or work does not have a validly issued permit. Further, the Code Enforcement Officer may seek to enjoin the occupancy or use of any building or structure which has, without compliance with this Ordinance, been, in whole or in part, constructed, reconstructed, altered, or repaired or for which the electrical, gas, mechanical or plumbing system has been erected, installed, enlarged, altered, repaired, removed, converted or replaced in any fashion.

Section 2-17. Suspension or Revocation of Permit

In addition to any and all other remedies provided by law, in order to enforce compliance with this Ordinance, the Code Enforcement Officer may, prior to issuance of a Certificate of Compliance or Certificate of Occupancy, suspend or revoke any permit which it has issued and notify the holder of said permit of such suspension or revocation.

Section 2-18. Penalty

Any person, partnership, or corporation who violates any of the provisions of this chapter or aids or abets in the violation of any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punishable by a fine of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), for each offense.”

Section 2-19. No Warranty or Guarantee

In connection with the construction of any building, structure, or other improvement to immovable property, neither the performance of any enforcement procedure nor any provision of a building code shall constitute or be construed as a warranty or guarantee by the Village of Choudrant, its agents or employees or any third-party provider who may contract with the Village of Choudrant as to durability or fitness, or as a warranty or guarantee that said building, structure or other improvement to immovable property or any materials, equipment, or method or type of construction used therein is, or will be, free from defects, will perform in a particular manner, is fit for a particular purpose, or will last in any particular way. In the enforcement of any provision of any construction code provided for in this Ordinance, or any regulations governed by LSA-R.S. 33:4771 et seq., the performance or non-performance of any procedure by a governmental enforcement agency, contract employee or official, shall be subject to the provisions of LSA-R.S. 9:2798.1.

SECTION 2.

Except as amended hereinabove, all other provisions of Ordinance No. 60 and Ordinance No. 86 of the Village of Choudrant, Louisiana, shall remain in full force and effect without change or alteration.

SECTION 3.

If any section, paragraph, sentence, clause and/or phrase of this Ordinance or the application thereof is declared unconstitutional, unenforceable or invalid by the valid judgment of any court of competent jurisdiction such unconstitutionality, unenforceability or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses and/or phrases of this Ordinance, since the same would have been enacted by the Village of Choudrant without the incorporation in this Ordinance of any such unconstitutional, unenforceable or invalid section, paragraph, sentence, clause or phrase. To that end, the provisions of this Ordinance are hereby declared severable.

SECTION 4.

All other ordinances, or any parts thereof, which are in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 5.

This Ordinance shall become effective January 1, 2008.

The above and foregoing Ordinance was introduced on November 5, 2007 at the regular meeting of the Board of Aldermen of the Village of Choudrant, Louisiana, a public hearing having thereafter been held, title having been read, and a motion to adopt said ordinance was made by Aswell. The motion was seconded by Morrison, and after having been considered by title was adopted as a whole by the following YEA and NAY vote:

YEAS: Aswell, Morrison, O'Neal

NAYS: None

ABSENT: None

WHEREUPON, the Ordinance was declared duly adopted this 3rd day of December, 2007.

CELESTE H. BUTLER, Clerk
VILLAGE OF CHOUDRANT

BILL SANDERSON, Mayor
VILLAGE OF CHOUDRANT