

CHAPTER 18

BUILDING REGULATIONS

Article A. General Provisions

- Section 18.1 Building permits
- Section 18.2 Culverts
- Section 18.3 Municipal numbers for houses

Article B. Dangerous Structures

- Section 18.11 Removal; condemnation of buildings
- Section 18.12 Notice to owner; absent owner; hearing
- Section 18.13 Decision of council; order to demolish or repair
- Section 18.14 Appeal
- Section 18.15 Compliance with decisions; demolition by council when owners fail to comply; notice
- Section 18.16 Lien and privilege for cost of demolition by council
- Section 18.17 Attorney to represent absentee, minor, or interdict; fee

Article C. Communication Towers and Antennae Permitted as Conditional Use

- Section 18.21 Definitions
- Section 18.22 Communications tower and antenna; permitted as conditional use
- Section 18.23 Conditions
- Section 18.24 Abandonment
- Section 18.25 Exceptions
- Section 18.26 Additional Requirements
- Section 18.27 Denial of permit

Article D. Sewerage

- Section 18.31 Mechanical treatment plants

Article E. Uniform Construction Code

- Section 18.41 Uniform Construction Code adopted

Article A. General Provisions

Section 18.1 Building permits

A. No person, business corporation, or other entity shall commence the construction of a building or the emplacement of a mobile home within the corporate limits without first obtaining a building permit from the town.

B. Applicant must possess, at the time of application for permit, the following pertinent data:

(1) Physical address of lot.

(2) Copy of "Application For Permit For On-Site Wastewater Disposal System" for the structure from the parish health sanitarian.

C. No person, business, corporation, or other entity shall commence the construction or renovation of a commercial building within the corporate limits of the town without first obtaining a building permit from the town. The applicant must comply with Subsection B of this Section and also submit copies of blueprints or plans for the structure or renovation to the fire chief.

D. No utilities shall be connected before building permit is obtained. Permit may be obtained at the town hall.

E. Upon compliance with the above requirements and payment of a fee of five (\$5) dollars a building permit will be issued.

F. After copy of final verification of wastewater disposal system has been issued by the parish health sanitarian, a copy must be presented to the town. No utility services will be turned on by the town until the copy is obtained.

G. Whoever violates this Section shall be fined not more than one hundred (\$100) dollars or imprisoned for not more than ten (10) days, or both. Each day such violation continues shall be considered a separate offense.
(Ordinance adopted 11/5/74; Ordinance adopted 12/4/79; Ordinance 58 adopted 4/1/86; Ordinance 93 adopted 11/14/95; Ordinance 122 adopted 3/12/01)

Section 18.2 Culverts

A. The minimum size of all culverts underneath any public street in the town shall be eighteen (18") inches in diameter. Such culverts must be installed in such a manner so as to extend a sufficient distance on each side of the street to prevent any cave-ins upon the shoulders of such street. Headwalls shall be affixed on each end of such culverts, if the drainage commissioner deems necessary.

B. The minimum size of all culverts installed in drainage ditches in the town shall be eighteen (18") inches in diameter where feasible. Culverts shall be made of concrete, galvanized, steel, or approved plastic. An opening or catch basin equivalent to the culvert size shall be installed for every fifty (50') linear feet of culverts installed in drainage ditches.

C. All culvert installation shall be subject to the approval of the drainage commissioner of the town, and the prescribed regulations shall apply to all culverts which may be installed in the town.

D. Any person charged with the violation of this Section shall, upon conviction, be guilty of a misdemeanor and sentenced to pay a fine of not more than one hundred (\$100) dollars or imprisoned for not more than ten (10) days, or both. Each day the violation continues shall be considered a separate offense.
(Ordinance 17 adopted 7/5/60; Ordinance adopted 2/8/83; Ordinance 60 adopted 10/7/86; Ordinance 121 adopted 3/12/01; Ordinance 2008-183 adopted September 15, 2008)

Section 18.3 Municipal numbers for houses

A. All residents are to install municipal numbers on houses as required for identification by emergency 911 response units.

B. All owners and occupants of any housing within the town shall install three (3") inch high reflective municipal numbers on all houses or other housing as required for identification by emergency 911 units in locating residences.

C. Any person charged with the violation of this Section shall, upon conviction, pay a fine of not more than one hundred (\$100) dollars nor less than twenty-five (\$25) dollars. Each day the violation continues shall be considered a separate offense.
(Ordinance 80 adopted 7/13/93; Ordinance 120 adopted 3/12/01)

Article B. Dangerous Structures

Section 18.11 Removal; condemnation of buildings

The council, in accordance with R.S. 33:4761 et. seq., may condemn and cause to be demolished or removed any building or structure within the town when it is in a dilapidated and dangerous condition which endangers the public welfare.

(Ordinance 106 adopted 9/9/97)

Section 18.12 Notice to owner; absent owner; hearing

A. Before the council may condemn any building or structure, there must be submitted to it a written report recommending the demolition or removal of the building signed by a town official or other person authorized to act on behalf of the town for such matters. The clerk shall thereupon serve notice on the owner of the building or structure requiring him to show cause at a meeting of the council, regular or special, why the building or structure should not be condemned. The date and hour of the meeting shall be stated in the notice which shall be served at least ten (10) days prior to the date of the hearing, except in case of grave public emergency as hereinafter provided. The notice may be served by the chief of police or police officer or by any other official authorized by the law to serve legal process where the owner of the building or

structure is found in the state, and the officer shall make return of the service as in ordinary cases.

B. If the owner is absent from the state or unrepresented therein, then the notice shall be served upon the occupant of the condemned building or structure, if any, and also upon an attorney at law appointed by the mayor to represent the absentee. Domiciliary service may be made as in ordinary cases.

C. In case of grave public emergency where the condition of the building is such as to cause possible immediate loss or damage to person or property, the council may condemn the building after twenty-four (24) hours notice served upon the owner or his agent or the occupant and attorney at law appointed to represent the absentee owner.
(Ordinance 106 adopted 9/9/97)

Section 18.13 Decision of council; order to demolish or repair

A. After the hearing, if, in the opinion of the council the facts justify it, an order shall be entered condemning the building and ordering that it be demolished or removed within a certain delay. If repairs will correct the dilapidated, dangerous, or unsafe condition, the council may grant the owner the option of making such repairs, but in such a case the general nature or extent of the repairs to be made, the time thereof, and the defects to be corrected, shall be specified in the decision of the council.

B. The decision and order of the council shall be in writing and shall be final unless appealed according to law.
(Ordinance 106 adopted 9/9/97)

Section 18.14 Appeal

The owner, occupant, agent, or other representative of the owner may appeal from the decision of the council to the Eighteenth Judicial District Court in accordance with law.
(Ordinance 106 adopted 9/9/97)

Section 18.15 Compliance with decision; demolition by council when owners fail to comply; notice

A. The owner or his designated agent may proceed to demolish and remove the building, or have it repaired, in accordance with the order of the council, provided the owner or his agent executes a contract in writing obligating himself to have the work done within the required time and files with the council a copy of the contract, together with a bond to guarantee performance.

B. In the event the owner or occupant of the building or structure fails or refuses to comply with the decision of the council and fails to appeal therefrom within the legal delays provided herein, then, in that event, the council may proceed with the demolition or removal of the condemned building or structure in which case the council may not be held liable in damages.

C. Prior to the demolition or removal of the building or structure by the council, the mayor or some official designated by him shall serve notice on the owner, or his agent, and on the occupant of the building, if any there be, or upon the attorney at law appointed to represent the minor, interdict, or absentee owner, giving the time when work will begin upon the demolition or removal of the building.
(Ordinance 106 adopted 9/9/97)

Section 18.16 Lien and privilege for cost of demolition by council

In order to preserve the lien and privilege granted by law on the property and the improvements thereon, the mayor or his designee shall execute, and have filed and recorded in the mortgage office of Pointe Coupee Parish, an affidavit which shall include a description of the property sufficient to reasonably identify the immovable and a statement of facts listing the approximate cost or costs incurred by the municipality in demolishing or removing the building or structure.
(Ordinance 106 adopted 9/9/97)

Section 18.17 Attorney to represent absentee, minor, or interdict; fee

In the event the building or structure is unoccupied and its owner is absent from the state and unrepresented therein, or in the event the building is owned by a minor who has no tutor or an interdict who has no curator, the mayor shall appoint an attorney at law to represent the absentee, minor, or interdict upon whom the notices and other proceedings provided in this Article may be served. The attorney shall be paid a reasonable fee to be taxed as cost.
(Ordinance 106 adopted 9/9/97)

Article C. Communication Towers and Antennae Permitted as Conditional Use

Section 18.21 Definitions

As used in the this Article, the following terms have the following meaning, unless the context requires otherwise:

(1) "Antenna" means a device, dish, or array used to transmit or receive telecommunications signals.

(2) "Communications tower" means a tower, pole or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building.

(3) "Height" of a communication tower means the distance from the base of the tower to the top of the structure.

(4) "Telecommunications", as defined in the federal Telecommunications Act of 1996, means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received. (Ordinance 101 adopted 4/8/97)

Section 18.22 Communications tower and antenna; permitted as conditional use

A. A communications tower and/or antenna may be permitted upon determination that all of the applicable conditions in this Article are met.

B. Districts in which conditional uses are permitted; height limitations:

(1) Residential-Free-standing tower with height not exceeding one hundred (100') feet is a permitted conditional use; height exceeding one hundred (100') feet requires a special exception.

(2) Commercial-Free-standing or guyed tower with height not exceeding one hundred eighty (180') feet is a permitted conditional use; height exceeding one hundred eighty (180') feet requires a special exception.

(3) Industrial-Free-standing or guyed tower with height not exceeding three hundred sixty (360') feet is a permitted conditional use; height exceeding three hundred sixty (360') feet requires a special exception.

(4) Other-Free-standing or guyed tower with height not exceeding five hundred (500') feet is a permitted conditional use; height exceeding five hundred (500') feet requires special exception.

C. The applicant for a conditional use zoning permit for the construction of a communications tower or placement of a commercial telecommunication antenna on an existing structure, other than a tower previously permitted, must file an application accompanied by a fee of two hundred (\$200) dollars and the following documents, if applicable:

(1) One copy of typical specifications for the proposed structure and antennae, including description of design characteristics and material.

(2) A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing and uses on adjacent property. A site plan is not required if the antenna is to be mounted on an approved existing structure.

(3) A current map, or update for an existing map on file, showing locations of applicant's antennae, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the town.

(4) A report from a structural engineer showing the tower antenna capacity by type and number, and a certification that the tower is designed to withstand winds in accordance with ANSI/EIA/TIA 222, latest revision, standards.

(5) Identification of the owners of all antennae and equipment to be located on the site.

(6) Written authorization from the site owner for the application.

(7) Evidence that a valid FCC license for the proposed activity has been issued.

(8) A line of sight analysis showing the potential visual and aesthetic impacts on adjacent residential areas.

(9) A written agreement to remove the tower and/or antenna within one hundred eighty (180) days after cessation of use.

(10) Evidence that applicable conditions in Section 18.23 are met.

(11) Additional information as required to determine that all applicable zoning regulations are met.
(Ordinance 101 adopted 4/8/97)

Section 18.23 Conditions

A. The proposed communications tower, antenna, or accessory structure will be placed in a reasonably available location which will minimize the visual impact on the surrounding area and allow the facility to function in accordance with minimum standards imposed by applicable communications regulations and the applicant's technical design requirements.

B. The applicant must show that:

(1) The proposed antenna and equipment cannot be accommodated and function as required by applicable regulations and applicant's technical design requirement without unreasonable modifications on any existing structure or tower under the control of applicant.

(2) If a permit is sought in a residential district the area cannot be adequately served by a facility placed in a non-residential district for valid technical reasons.

(3) Prior to consideration of a permit for location on private property which must be acquired, available publicly owned sites, and available privately owned sites occupied by a compatible use, are unsuitable for operation of the facility under applicable communications regulations and applicant's technical design requirements.

(4) The new tower is designed to accommodate additional antennae equal in number to applicant's present and future requirements.

(5) All applicable health, nuisance, noise, fire, building, and safety code requirements are met.

(6) By certificate from a registered engineer that the proposed facility will contain only equipment meeting FCC rules.

C. The applicant must file with the council a written indemnification of the town and proof of liability insurance or financial ability to respond to claims up to one million (\$1,000,000) dollars in the aggregate which may arise from operation of the facility during its life, at no cost to the town, in a form approved by the town attorney.

D. The communications tower shall not be painted or illuminated unless provided by state or federal regulations.

E. A permit for a proposed tower site within one thousand (1,000') feet of an existing tower shall not be issued unless the applicant certifies that the existing tower does not meet applicant's structural specifications and applicant's technical design requirements, or that a collocation agreement could not be obtained.

F. Land development regulations, visibility, fencing, screening, landscaping, parking, access, lot size, exterior illumination, sign, storage, and all other general zoning district regulations, except setback and height, shall apply to the use. The setback and height conditions in this Article apply.

G. A tower must be a minimum distance equal to one-half the height of the tower from property designated historic or architecturally significant, and must be set back from all lot lines distances equal to the district setback requirements of twenty-five (25%) percent of the tower height, whichever is greater.

Section 18.24 Abandonment

A. In the event the use of any communication tower has been discontinued for a period of one hundred eighty (180) consecutive days, the tower shall be deemed abandoned. Determination of the date of abandonment shall be made by the council who shall have the right to request documentation and/or affidavits from the communication tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional one hundred eighty (180) days within which to either:

(1) Reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower.

(2) Dismantle and remove the tower.

B. At the earlier of one hundred eighty-one (181) days from the date of abandonment without reactivation or upon completion of dismantling and removal, any special exception and/or variance approval for the tower shall automatically expire.

(Ordinance 101 adopted 4/8/97)

Section 18.25 Exceptions

If additional tower height is requested total tower height will not exceed one hundred fifty (150%) percent of the maximum height permitted in the district as a conditional use. Applicant must demonstrate that additional height above that permitted by conditional use regulations is necessary for service to occupants of an area within the town.

Section 18.26 Additional requirements

Additional conditions may be established by the council as deemed necessary to remove danger to health and safety and to project adjacent property.
(Ordinance 101 adopted 4/8/97)

Section 18.27 Denial of permit

The federal Telecommunications Act of 1996 requires that denial of a permit be supported by substantial evidence.
(Ordinance 101 adopted 4/8/97)

Article D. Sewerage

Section 18.31 Mechanical treatment plants

With regard to any new construction or new mechanical treatment plant beginning on and after May 8, 2002, in call cases where mechanical treatment plants are permitted by the town, all such individual mechanical plants shall require an effluent reduction process to be constructed on the outflow of the tank with the following specifications:

- (1) A field bed of not less than one hundred (100') feet of perforated four-inch pipe.
- (2) The trench for the field bed must be at least twenty-four (24") inches wide.
- (3) There must be at least twelve (12") inches of gravel below the pipe invert and six (6") inches of gravel above the invert of the perforated pipe, and shall be covered with felt paper before backfilling with soil.
- (4) The outflow-perforated pipe should not have a fall greater than one (1") inch per one hundred (100') feet so as to allow the effluent to seep into the field bed.
(Ordinance 139 adopted 4/8/02)

Article E. Uniform Construction Code

Section 18.41 Uniform Construction Code adopted

Effective January 1, 2007, pursuant to La. R.S. 40:1730.21 et seq., there is hereby adopted, for the purpose of regulating the construction, alteration, repair, equipment, use, and occupancy and maintenance of every building or structure or any appurtenance connected or attached to such buildings or structures, excluding farm structures and recreation camps, the Louisiana State Uniform Construction Code. The Louisiana State Uniform Construction Code is incorporated as fully as if set out at length herein and shall be controlling within the corporate limits of the town. The Louisiana State Uniform Construction Code shall consist of the following:

(1) International Building Code, 2006 Edition, not including Chapter 1—Administration, Chapter 11—Accessibility, Chapter 27—Electrical, and Chapter 29—Plumbing Systems. The applicable standards referenced in that code are included for regulations of construction within this state.

(2) International Existing Building Code, 2006 Edition, not including Chapter 1 - administration, and the standards referenced in that code for regulations of construction within this state.

(3) International Residential Code, 2006 Edition, not including Parts I—Administration, V—Mechanical, VII—Plumbing, and VIII—Electrical. The applicable standards referenced in that code for regulation of construction within this state. Appendix J. Existing Buildings and Structures, is also included for mandatory regulation. For the 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, 2006 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 and 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.

(4) International Mechanical Code, 2006 Edition, and the standards referenced in that code for regulation of construction within this state.

(5) 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.

(6) International Fuel Gas Code, 2006 Edition, and the standards referenced in that code for regulation of construction within this state.

(7) National Electrical Code, 2005 Edition.
(Ordinance 2006-167 adopted December 11, 2006)