

ORDINANCE NO. JO-095-2022

A JOINT ORDINANCE OF THE LAFAYETTE CITY COUNCIL AND THE LAFAYETTE PARISH COUNCIL AMENDING CHAPTER 26 OF THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT CODE OF ORDINANCES BY REPEALING AND RE-ENACTING ARTICLE V OF CHAPTER 26 TO PROVIDE FOR THE IMPLEMENTATION OF THE LCG PROPERTY MAINTENANCE CODE AND AMENDING ARTICLE XVI OF CHAPTER 26 TO PROVIDE FOR AVAILABLE ALTERNATIVE ENFORCEMENT PROCEDURES RELATED TO VIOLATIONS OF ARTICLE V

BE IT ORDAINED by the Lafayette City Council and the Lafayette Parish Council, that:

WHEREAS, the Lafayette City Council and Lafayette Parish Council desire to repeal and re-enact Article V of Chapter 26 of the Lafayette City-Parish Consolidated Government Code of Ordinances to provide for the implementation of the LCG Property Maintenance Code and amend Article XVI of Chapter 26 to provide for alternative enforcement procedures, the same being necessary to further the health, safety and welfare of the citizens of the City of Lafayette and unincorporated area of the Parish of Lafayette.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Lafayette City Council and Lafayette Parish Council, that:

SECTION 1: The above “Whereas” clause is adopted as part of this joint ordinance.

SECTION 2: Chapter 26, Article V of the Lafayette City-Parish Consolidated Government Code of Ordinances is hereby repealed in its entirety and re-enacted to read as follows:

ARTICLE V. – LCG PROPERTY MAINTENANCE CODE

DIVISION 1. – GENERALLY

Sec. 26-250. - Title

These regulations shall be known as the LCG Property Maintenance Code, hereinafter referred to as the “PMC.”

Sec. 26-251. – Scope.

The provisions of the PMC shall apply to all existing residential and nonresidential Structures and all existing Premises and shall constitute minimum requirements and standards for Premises, Structures, Equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of Owners, an Owner’s authorized agent, Operators and Occupants; the occupancy of existing Structures and Premises, and for its administration.

Sec. 26-252. – Applicability

(a) It shall be unlawful for any person, natural or juridical, Premises, or Structure, to be in conflict with or in violation of any of the provisions of the PMC.

(b) Repairs, additions or alterations to a Structure, or change of occupancy, shall be done in accordance with this Article as well as all other applicable codes. Nothing in the PMC shall be construed to cancel, modify, or set aside any provision of the Lafayette Development Code (“LDC”), as amended, as well as all other applicable codes.

(c) Where there is a conflict in this Article between a general requirement and a specific requirement, the specific requirement shall govern. Where, in a specific case, different Sections of this Article specify different requirements, the most restrictive shall govern. The provisions of this Article shall not be deemed to nullify any provision of state or federal law.

(d) The provisions of the PMC shall not be construed to abolish or impair existing remedies relating to the removal or demolition of any Building or Structure pursuant to any other applicable local, state, or federal law.

DIVISION 2. – DEFINITIONS

Sec. 26-253. – Definitions.

(a) The following terms shall, for the purposes of the PMC, have the meaning ascribed to them in this Section.

(b) Terms not defined in this Section but defined in the Lafayette Development Code (“LDC”), as amended, or the Lafayette City-Parish Consolidated Government Code of Ordinance and the building codes adopted therein (“Building Code”), as amended, shall have the meanings ascribed to them in the LDC or Building Code.

(c) Where terms are not defined in this Section or in the LDC, as amended, or the Building Code, as amended, they shall have their ordinarily accepted meanings such as the context implies.

(d) Words are interchangeable insofar as words stated in the present tense include the future; words stated in the masculine gender include the feminine; the singular number includes the plural and the plural, the singular.

(e) Whenever the words “structure,” “accessory structure,” “building,” or “dwelling unit” are stated in the PMC, they shall be construed as though they were followed by the words “or any part thereof.”

Accessory Structure. A structure that is incidental to that of the main structure. Examples include: garages, carports, sheds, laundry rooms, green houses, and tool rooms.

Abate. Repair, rehabilitate, board, vacate, or any other action provided by the administrative hearing officer to correct the condition(s) in violation of the PMC.

Administrative Hearing Officer. An administrative adjudication hearing officer acting pursuant to Chapter 26 Article XVI of the Lafayette City-Parish Consolidated Government Code of Ordinances.

Anchored. Secured in a manner that provides positive connection.

Approved. Acceptable to the Building Official.

Bathroom. A room containing plumbing fixtures including a bathtub or shower.

Bedroom. Any room or space used or intended to be used for sleeping purposes.

Building. Any structure used or intended for supporting or sheltering any use or occupancy.

Building Official. The official who is charged with the enforcement of the PMC, or their duly authorized representative.

Debris Removal. The taking away from a premise the scattered remains of rubble, wreckage, or something broken or destroyed.

Demolition. Tearing down, razing, and removal of all debris and material.

Deteriorate. Weaken, disintegrate, corrode, rust, decay, or otherwise lose effectiveness.

Dwelling Unit. A single unit providing complete, independent, living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Easement. That portion of land or property reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement shall be permitted to be for use under, on or above a said lot or lots.

Equipment. Necessary items for a particular purpose.

Equipment Support. Those structural members or assemblies of members or manufactured elements, including braces, frames, lugs, snuggers, hangers or saddles, that transmit gravity load, lateral load and operating load between the equipment and the structure.

Exterior Property. The open space on the premises and/or property under the control of owners or operators of such premises.

Garbage. The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

Habitable Space. Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage, or utility spaces, and similar areas are not considered habitable spaces.

Housekeeping Unit. A room or group of rooms forming a single habitable space equipped and intended to be used for living, sleeping, cooking and eating that does not contain, within such a unit, a toilet, lavatory and bathtub or shower.

Imminent Danger. A condition which immediately threatens the health, safety, and welfare of an individual or the public.

Infestation. The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

Occupant. Any individual legally living or sleeping in a building, or having legal possession of a space within a building.

Occupy. To reside or have one's place of business within a structure.

Openable Area. The part of a window, skylight or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Operator. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner. Any natural or juridical person recorded in the official public record of the Parish as holding title to real property.

Pest Elimination. The control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food or water; by other approved pest elimination methods.

Premises. Lot(s), plot(s), or parcel(s) of land, together with all or any part of any buildings or structures on one or more lot(s), plot(s), or parcel(s) of land, including accessory structures and open spaces required or used in connection with one or more particular use(s).

Public Way. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

Rooming House. A building arranged or occupied for lodging, with or without meals, for compensation and not occupied as a one- or two-family dwelling.

Rooming Unit. Any room or group of rooms forming a single habitable unit occupied or intended to be occupied for sleeping or living, but not for cooking purposes.

Rubbish. Combustible and noncombustible waste materials, except garbage; the term shall include the residue from the burning of materials such as wood and coal and other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and similar materials.

Stormwater Management System. Any natural or manmade device, retention area, reservoir, apparatus or landscaping feature that retains storm water runoff within the boundary of a property lot for the purpose of facilitating ground absorption, evaporation, or otherwise slowing or reducing runoff into the public domain.

Structure. That which is built or constructed.

Tenant. A person, corporation, partnership or group, whether or not the legal owner of record, occupying a building or portion thereof as a unit.

Toilet room. A room containing a water closet or urinal but not a bathtub or shower.

Undeveloped Land. A lot, plot, or parcel of vacant land that has never housed a structure.

Uninhabitable. Not fit for habitation.

Vacant Structure. A structure that:

- (1) Is without visible signs of continuous human habitation by persons legally entitled to be on the premises; or
- (2) Is substantially devoid of functional contents pertaining to the operations or activities customary to occupancy; or
- (3) Is unsecured, such that it is accessible without force to trespassers or other unauthorized persons.

Vacancy may be indicated by: the absence of utility usage, broken windows, broken doors, or collapsing or dilapidating features that pose a danger to the health or safety of surrounding residents or properties.

Any property that is capable of lawful occupancy and actively being marketed by its owner(s) for sale or rent shall not be deemed vacant.

Vacant Land. Lot(s), plot(s), or parcel(s) of land without a structure.

Ventilation. The natural or mechanical process of supplying conditioned or unconditioned air to, or removing such air from, any space.

Workmanlike. Executed in a skilled manner and performed with the same degree of care, skill, and diligence as would be ordinarily exercised by a competent practitioner of the same profession performing similar work under the same or similar circumstances; suitable for its intended purpose and free from defects in workmanship or materials.

DIVISION 3. – ADMINISTRATION

Sec. 26-254. Administration

This Article, and any amendments adopted in this Article, shall be administered by and under the direction of the Director of the Community Development and Planning Department.

Sec. 26-255. – Liability.

Any employee charged with the administration and/or enforcement of the PMC shall not be rendered personally liable for any damage that may occur to persons or property as a result of any act in the discharge of official duties. Any employee thereof shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of the PMC.

Sec. 26-256. – General duties.

(a) The Building Official is hereby authorized and directed to enforce the provisions of the PMC. The Building Official shall have the authority to render interpretations of the PMC in order to clarify the application of its provisions. Such interpretations shall be in compliance with the intent and purpose of the PMC. The Building Official and any designee(s) thereof charged with the enforcement of the PMC are authorized to make inspections and/or to administer and enforce the provisions of the PMC.

(b) The Building Official shall make all the required inspections, or may accept reports of inspection by approved individuals. All reports of such inspections shall be in writing and shall be certified by the person conducting the inspection. The Building Official is authorized to engage such expert opinion(s) as necessary to report upon technical issues that may arise.

(c) Requirements not specifically covered by the PMC but necessary for the strength, stability or proper operation of an existing fixture, Structure, or Equipment, or for the public safety, health and general welfare, shall be determined by the Building Official.

Sec. 26-257. – Right of entry.

(a) In the performance of his or her duties, the Building Official may enter any land, Structure, or Premises in the city and parish to enforce the PMC, at any reasonable time, as provided in this Section.

(b) Prior to entering any land, Structure, or Premises to enforce the PMC, the Building Official must give notice of his or her intent to enter. Notice shall be in writing and provide the date and time at which the Building Official will be present to make the inspection, and inform the person notified that he or she may request to reschedule the inspection to another date and time by contacting the Building Official before the stated date.

(c) If the property is occupied, notice shall be provided by certified mail to the Occupant or person with apparent right of possession, with a courtesy copy mailed to the Owner at the Owner's last known address as provided in the assessor's records, and conspicuously posted at or near the entrance to the Structure or Premises. If the property is vacant, the notice shall be mailed or delivered to the last known address of the Owner as provided in the assessor's records.

(d) After notice has been given, if the person notified fails to arrange for, denies, or unduly delays the entry, the Building Official may request that the Lafayette City-Parish Consolidated Government ("LCG") Legal Department file in a court of competent jurisdiction a petition for right of entry to authorize entry for the inspection. The court of competent jurisdiction shall grant the petition upon determining that:

(1) The notice required by subparts (b) and (c) of this Section have been given; and

(2) The petition establishes probable cause that an inspection will reveal violation(s) of the PMC.

(e) The petition for right of entry shall be verified by the Building Official and accompanied by a sworn and signed affidavit containing facts within the personal knowledge of the affiant that probable cause exists.

(f) Any inspection conducted pursuant to an order permitting right of entry shall be made within 15 calendar days of the date the order is issued, unless otherwise provided in the order. The order shall be void upon expiration of the inspection period.

(g) Neither an order nor prior notice is required in any of the following named circumstances:

(1) Entry is by permission of an Owner or Occupant upon the Building Official presenting credentials and requesting entry, or at the request of an Owner or Occupant of the land, Structure, or Premises or by a person with apparent right of possession;

(2) If the land, Structure, or Premises is vacant, visibly open and obviously accessible to members of the general public and violations of the PMC are in plain view;

(3) Immediately after an accident or disaster that causes the Building Official to believe that immediate entry is necessary for investigative purposes or to protect property or public health or safety.

DIVISION 4. – GENERAL REQUIREMENTS

Sec. 26-258. – Generally.

(a) The provisions of this Division shall govern the minimum conditions and the responsibilities of persons for the maintenance of all Premises, including Structures and the exterior of property. The Owner of a Premises shall maintain the Structures and exterior property in compliance with the requirements contained herein, except as otherwise provided for in this PMC.

(b) A person shall not occupy as an Owner or Occupant or permit another person to occupy Premises which are not in a sanitary and safe condition and which do not comply with the requirements of this Article.

It shall be unlawful for any person to occupy as an Owner or Occupant, or permit another person to occupy, any Building or Structure that is not properly connected to and actively receiving those types of utilities necessary to comply with this PMC.

(c) All vacant land, including undeveloped land, and all lots, plots, or parcels of land containing vacant Structures shall be maintained in a clean, safe, secure and sanitary condition as provided in this Article so as not to adversely affect the public health or safety.

(d) In addition to any other remedy available and authorized by law, where the Building Official determines that a Building or Structure is vacant and unfit for human habitation and occupancy, the Building Official is authorized to post a placard on the Building, Structure, or Premises ordering the Building, Structure, or Premises closed up so as not to be an attractive nuisance. Upon failure of the Owner to close up the Building, Structure, or Premises within the time specified in the order, the Building Official shall cause the Building, Structure, or Premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the Building, Structure, or Premises is located and shall constitute a lien upon such real estate and shall be collected by any other legal resource.

(e) In addition to any other remedy available and authorized by law, where the Building Official determines that one or more violations of this Article exist in a Structure which constitute a hazard(s) to the occupants (whether lawful or not) or the Structure, and the hazard(s) poses an Imminent Danger to its occupants (whether lawful or not), the Building Official shall order correction of the defects to eliminate the hazard(s) and may, pursuant to the procedures of Division 10 of this Article:

(1) order the Premises to be vacated until the defects are corrected; and/or

(2) order the disconnection and/or blocking of the utilities to the Building, Structure, or Premises by the Building Official.

Sec. 26-259. – Exterior property area.

(a) Grading.

All Premises shall be graded and maintained to prevent the erosion of soil and to prevent the accumulation of stagnant water thereon, or within any Structure located thereon. Drainage systems shall divert water away from the property and away from adjacent property lines. All drainage systems should discharge towards the public-right-of-way. Approved Stormwater Management Systems shall be exempt from this Section.

(b) Common areas.

All common areas of a property including, but not limited to sidewalks, walkways, stairs, driveways, parking spaces, and similar areas shall be maintained and kept in a proper state of repair to prevent hazardous conditions.

(c) Rodent harborage.

(1) All Structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by Approved processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

(d) Exhaust vents.

Pipes, ducts, conductors, fans or blowers shall not discharge gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property.

(e) Accessory Structures and fences.

All accessory Structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair.

(f) Defacement of property.

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any Structure or Building on any private or public property by placing thereon any marking, carving, or graffiti. It shall be the responsibility of the Owner to restore said surface to an Approved state of maintenance and repair.

(g) Swimming pools, spas, and hot tubs.

All swimming pools, spas, and hot tubs shall be maintained in a clean and sanitary condition and in good repair with a functioning filtration system.

Sec. 26-260 – Exterior structure.

(a) The exterior of a Structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

(1) Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Building Code, as amended:

a. The nominal strength of any structural member is exceeded by nominal loads, the load effects, or the required strength.

b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.

c. Structures or components thereof that have reached their limit state.

d. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight.

e. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects.

f. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

g. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

h. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects.

i. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects.

j. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

k. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

l. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

m. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

n. Exceptions:

1. Where substantiated otherwise by an Approved method.

2. Demolition of unsafe conditions shall be permitted where Approved by the Building Official.

(b) Protective treatment.

(1) All exterior surfaces, including but not limited to: doors, door and window frames, cornices, porches, trim, balconies, decks, and fences, shall be maintained in good condition.

(2) Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or

treatment. Substantial peeling, flaking and chipped paint shall be eliminated and surfaces repainted.

(3) All siding and masonry joints, as well as those between the building envelope and the perimeter of windows, doors and skylights, shall be maintained weather resistant and watertight.

(4) All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Surfaces designed for stabilization by oxidation are exempt from this requirement.

(c) Premises identification.

Buildings shall have Approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabetic letters. Numbers shall be a minimum of four (4") inches in height with a minimum width of .5 (1/2") inches.

(d) Structural members.

All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads of the Structure's legal use and occupancy.

(e) Foundation walls.

All foundation walls must be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests.

(f) Exterior walls.

Exterior walls must be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

(g) Roofs.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roofs must be adequate to prevent dampness or deterioration in the walls or interior portion of the Structure. Roof drains, gutters and downspouts must be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that it falls onto adjacent property. Roof tiles, shingles, and any other attachments shall be properly attached and kept in good condition.

(h) Drainage.

Drainage from roofs, paved areas, yards, courtyards, and other open areas shall not pool to permit stagnant water likely to afford a breeding place for mosquitoes or to become contaminated or polluted in such a manner as to injure the public health or create offensive conditions. Drainage systems shall divert water away from the property and away from adjacent property lines. All drainage systems should discharge towards the public-right-of-way. Approved Stormwater Management Systems shall be exempt from this Section.

(i) Decorative features.

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

(j) Overhang extensions.

All overhang extensions including but not limited to canopies, marquees, signs, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces or metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

(k) Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch, balcony and gallery, and all appurtenances attached thereto, shall be maintained structurally sound, safe and in good repair, with proper anchorage and capable of supporting the imposed loads.

(l) Chimneys and towers.

All chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather coating materials, such as paint or similar surface treatment.

(m) Handrails and guardrails.

All handrails and guardrails shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Additionally, every exterior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted Building Code.

(n) Window, skylight, door frames.

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight.

(o) Glazing.

All glazing materials shall be maintained free from substantial cracks and holes.

(p) Openable windows.

Every window, other than fixed windows, shall be operable and capable of being held in position by window hardware.

(q) Insect screens.

All existing insect screens shall be intact, free from holes or breaks, and tightly fitted.

(r) Doors.

All exterior doors, door assemblies and hardware shall be maintained in good condition and all exterior doors shall lock tightly to secure the door.

(s) Building Security.

(1) Doors and windows for Dwelling Units shall be provided with devices designed to provide security for the Occupants and property within.

a. Doors providing access to a Dwelling Unit that is rented, leased or let shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a minimum lock throw of one (1") inch (25mm). Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this Section a sliding bolt shall not be considered and acceptable deadbolt lock.

b. Operable windows located in whole or in part within six (6') feet (1828 mm) above ground level or a walking surface below that provide access to a Dwelling Unit that is rented, leased or let shall be equipped with a window sash locking device.

(t) Gates.

All exterior gates, gate assemblies, and hardware shall be maintained in good condition. Latches at all entrances shall tightly secure the gates.

Sec. 26-261. Interior structure.

(a) The interior of a Structure and Equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition. Occupants shall keep that part of the Structure that they occupy or control in a clean and sanitary condition. Every Owner of a Structure containing a hotel, a dormitory, two or more Dwelling Units or two (2) or more nonresidential occupancies, shall maintain, in a clean and sanitary condition, the shared or public areas of the Structure and exterior property.

(1) the following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the Building Code, as amended:

a. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength.

b. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects.

c. Structures or components thereof that have reached their limit state.

d. Structural members are incapable of supporting nominal loads and load effects.

e. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

f. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

g. Exceptions:

1. Where substantiated otherwise by an Approved method.

2. Demolition of unsafe conditions shall be permitted where Approved by the Building Official.

(b) Structural members.

All structural members shall be maintained structurally sound, and capable of supporting the imposed loads of the Structure's legal use and occupancy.

(c) Interior surfaces.

All interior surfaces shall be maintained in a good, clean and sanitary condition. Peeling, chipping, flaking or abraded paint shall be repaired, removed or covered. Cracks or loose plaster, decayed wood and other defective surface conditions shall be corrected. Holes in interior walls shall be sealed as necessary.

(d) Stairs and walking surfaces.

Every stair, ramp, landing, balcony, porch, deck or other walking surface shall be maintained in a sound condition and good repair.

(e) Handrails.

Every handrail shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition. Additionally, every interior flight of stairs having more than four risers shall have a handrail on one side of the stair and every open portion of a stair, landing, balcony, porch, deck, ramp or other walking surface that is more than 30 inches (762 mm) above the floor or grade below shall have guards. Handrails shall be not less than 30 inches (762 mm) in height or more than 42 inches (1067 mm) in height measured vertically above the nosing of the tread or above the finished floor of the landing or walking surfaces. Guards shall be not less than 30 inches (762 mm) in height above the floor of the landing, balcony, porch, deck, or ramp or other walking surface.

Exception: Guards shall not be required where exempted by the adopted Building Code.

(f) Interior doors.

Every interior door shall fit reasonably within its frame and shall be capable of being opened and closed by being properly and securely attached to jams, headers, or tracks as intended by the manufacturer.

(g) Pest Elimination.

Structures shall be kept free from insect and rodent infestation. Structures in which insects or rodents are found shall be promptly exterminated by Approved processes that will not be injurious to human health. After pest elimination, proper precautions shall be taken to prevent reinfestation.

(1) The Owner of any Structure shall be responsible for pest elimination within the Structure prior to renting or leasing the Structure.

(2) The Occupant of a one-family dwelling or of a single-tenant nonresidential Structure shall be responsible for pest elimination of the Premises.

(3) The Owner of a Structure containing two or more Dwelling Units, a multiple occupancy, or non-residential Structure shall be responsible for pest elimination in the public or shared areas of the Structure and exterior property. If infestation is caused by failure of an Occupant to prevent such infestation in the area occupied, the Occupant and Owner shall be responsible for pest elimination.

(4) The Occupant of any Structure shall be responsible for the continued rodent and pest-free condition of the Structure.

Exception: Where the infestations are cause by defects in the Structure, the Owner shall be responsible for pest elimination.

Sec. 26-262. Component serviceability.

(a) The components of a Structure and Equipment therein shall be maintained in good repair, structurally sound and in a sanitary condition.

(1) Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the Building Code, as amended:

a. Soils that have been subjected to any of the following conditions:

1. Collapse of footing or foundation system.
2. Damage to footing, foundation, concrete or other structural element due to soil expansion.
3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil.
4. Inadequate soil as determined by a geotechnical investigation.
5. Where the allowable bearing capacity of the soil is in doubt.
6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.

b. Concrete that has been subjected to any of the following conditions:

1. Deterioration.
2. Ultimate deformation.
3. Fractures.
4. Fissures.
5. Spalling.
6. Exposed reinforcement.
7. Detached, dislodged or failing connections.

c. Aluminum that has been subjected to any of the following conditions:

1. Deterioration.
2. Corrosion.
3. Elastic deformation.
4. Ultimate deformation.
5. Stress or strain cracks.
6. Joint fatigue.
7. Detached, dislodged or failing connections.

d. Masonry that has been subjected to any of the following conditions:

1. Deterioration.
2. Ultimate deformation.
3. Fractures in masonry or mortar joints.
4. Fissures in masonry or mortar joints.
5. Spalling.
6. Exposed reinforcement.
7. Detached, dislodged or failing connections.

e. Steel that has been subjected to any of the following conditions:

1. Deterioration.
2. Elastic deformation.
3. Ultimate deformation.
4. Metal fatigue.
5. Detached, dislodged or failing connections.

f. Wood that has been subjected to any of the following conditions:

1. Ultimate deformation.
2. Deterioration.
3. Damage from insects, rodents and other vermin.
4. Fire damage beyond charring.
5. Significant splits and checks.
6. Horizontal shear cracks.
7. Vertical shear cracks.
8. Inadequate support.
9. Detached, dislodged or failing connections.
10. Excessive cutting and notching.

g. Exceptions:

1. Where substantiated otherwise by an Approved method.
2. Demolition of unsafe conditions shall be permitted where Approved by the Building Official

Sec. 26-263. Rubbish and Garbage

(a) Accumulation of Rubbish or Garbage.

Exterior property and Premises, and the interior of every Structure, shall be maintained in a clean, safe and sanitary condition, free from any accumulation of trash, litter, debris, garbage, waste, rubbish or other similar material.

(b) Disposal of Rubbish.

Every Occupant of a Structure shall dispose of all Rubbish in a clean and sanitary manner by placing such Rubbish in an approved container(s), as provided in Chapter 74 of the Lafayette City-Parish Consolidated Government Code of Ordinances.

(c) Disposal of Garbage.

Every Occupant of a Structure shall dispose of all Garbage in a clean and sanitary manner by placing such Garbage in at an approved container(s) or at an approved garbage disposal facility as provided in Chapter 74 of the Lafayette City-Parish Consolidated Government Code of Ordinances.

(1) Garbage facilities. The Owner of every dwelling shall supply one of the following: An Approved mechanical food waste grinder in each Dwelling Unit; and Approved incinerator unit in the Structure available to the Occupants in each Dwelling Unit; or an approved leakproof, covered, outside garbage container.

(2) Containers. The Operator of every establishment producing Garbage shall provide, and at all times cause to be utilized, approved leakproof containers provided with close-fitting covers for the storage of such materials until removed from the Premises for disposal.

DIVISION 5. – LIGHT, VENTILATION AND OCCUPANCY LIMITATIONS

Sec. 26-264. Generally.

- (a) The provisions of this Division shall govern the minimum conditions and standards for light, ventilation and space for occupying a Structure.
- (b) The Owner of the Structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not occupy as an Owner or Occupant or permit another person to occupy any Premises that does not comply with the requirements of this Division.
- (c) Artificial light or mechanical ventilation complying with the Building Code, as amended, shall be permitted in lieu of the means for natural light and ventilation herein prescribed.

Sec. 26-265. Lighting

(a) Habitable Spaces.

(1) Every Habitable Space shall have at least one (1) window of Approved size facing directly to the outdoors or to a courtyard. The minimum total glazed area for every Habitable Space shall be eight (8%) percent of the floor area of such room. Wherever walls or portions of a Structure face a window of any room and obstructions are located less than three feet from the window and extend to a level above the ceiling of the room, the window shall not be deemed to face directly to the outdoors nor to a courtyard and shall not be included in the calculation of aggregate glazed area.

(2) Natural light for rooms or spaces without exterior glazing areas may be provided through an adjoining room if the unobstructed opening to the adjoining room is eight (8%) percent of the floor area of the interior room or space, but at a minimum of 25 square feet. The exterior glazing area shall be based on the total floor area being served.

(b) Stairway and hallway.

Every common hall and stairway in residential occupancies, other than in one- and two-family dwellings, shall be lighted at all times with at least a 60-watt standard incandescent light bulb for each 200 square feet of floor area or equivalent illumination, provided that the spacing between lights shall not be greater than 30 feet. In other than residential occupancies, means of egress, including exterior means of egress, stairways shall be illuminated at all times the building space served by the means of egress is occupied, and illumination shall remain in the event of a power outage.

(c) Light in other spaces.

All other spaces shall be provided with natural or artificial light sufficient to permit the maintenance of sanitary conditions, and the safe occupancy of the space and utilization of appliances, Equipment and fixtures.

Sec. 26-266. Ventilation

(a) Habitable spaces.

(1) Every Habitable Space shall have at least one openable window to provide natural ventilation. The total openable area of the window in every room shall be equal to at least 45 percent of the minimum glazed area required in Section 26-189.

(2) When rooms and spaces without openings to the outdoors are ventilated through an adjoining room, the unobstructed opening to the adjoining room shall be at least eight percent of the floor area of the interior room or space, but

at a minimum of 25 square feet. The ventilation openings to the outdoors shall be based on the total floor area being ventilated.

(b) Bathrooms and toilet rooms.

Every Bathroom and toilet room shall comply with the ventilation requirements for Habitable Spaces as provided in Section 26-277, except that a window shall not be required in a Bathroom or toilet room with a mechanical ventilation system. Air exhausted by a mechanical ventilation system from a Bathroom or toilet room shall discharge to the outdoors and shall not be recirculated.

(c) Cooking facilities.

Unless approved through the certificate of occupancy, cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in the rooming unit or dormitory unit.

Exception:

1. Where specifically Approved in writing by the Building Official.
2. Devices such as coffee pots and microwave ovens shall not be considered cooking appliances.

(d) Process ventilation.

Where injurious, toxic, irritating or noxious fumes, gases, dusts or mists are generated, a local exhaust ventilation system shall be provided to remove the contaminating agent at the source. Air shall be exhausted to the exterior and not be recirculated to any space.

(e) Clothes dryer exhaust.

Clothes dryer exhaust systems shall be independent of all other systems and shall be exhausted outside the Structure in accordance with the manufacturer's instructions. Exception: Listed and labeled condensing (ductless) clothes dryers.

Sec. 26-267. Occupancy Limitations.

(a) Privacy.

Dwelling Units, hotel units, housekeeping units, rooming units and dormitory units shall be arranged to provide privacy and be separate from other adjoining spaces.

(b) Minimum room widths.

A habitable room, other than a kitchen, shall be not less than seven (7') feet (2134 mm) in any plan dimension. Kitchens shall have a minimum clear passageway of 3 feet (914 mm) between counter fronts and appliances or counter fronts and walls.

(c) Minimum ceiling height.

Habitable spaces, hallways, corridors, laundry areas, Bathrooms and toilet rooms shall have a minimum ceiling height of seven (7') feet. The required height is measured from the finished floor to the lowest projection from the ceiling.

Exceptions:

- (1) In one- and two-family dwellings, beams and girders spaced a minimum of four feet on center and projecting a maximum of six (6") inches below the required ceiling height.
- (2) Rooms occupied exclusively for sleeping, study or similar purposes and having a sloped ceiling over all or part of the room, with a minimum clear

ceiling height of seven (7') feet over a minimum of one-third of the required minimum floor area. In calculating the floor area of such rooms, only those portions of the floor area with a minimum clear ceiling height of five (5') feet shall be included.

(d) Bedroom and living room requirements.

Every Bedroom and living room shall comply with the following requirements:

(1) Every living room shall contain at least 120 square feet and every Bedroom shall contain a minimum of 70 square feet, and every Bedroom occupied by more than one (1) person shall contain a minimum of 50 square feet of floor area for each Occupant thereof.

(2) Bedrooms shall comply with the applicable provisions of the PMC including, but not limited to, the light, ventilation, room area, ceiling height and room width requirements of this Article.

(3) Bedrooms shall not constitute the only means of access to other Bedrooms or Habitable Spaces and shall not serve as the only means of egress from other Habitable Spaces. Exception: Units that contain fewer than two (2) Bedrooms.

(4) Every Bedroom shall have access to not less than one (1) water closet and one (1) lavatory without passing through another Bedroom. Every Bedroom in a Dwelling Unit shall have access to not less than one (1) water closet and lavatory located in the same story as the Bedroom or an adjacent story.

(5) Kitchens and non-Habitable Spaces shall not be used for sleeping purposes.

(e) Overcrowding.

(1) Dwelling Units shall not be occupied by more Occupants than permitted by the minimum area requirements established in the table below:

Space	1-2 Occupants	3-5 Occupants	6 or more Occupants
Living Room	120	120	150
Dining Room	No Requirement	80	100
Bedrooms	Comply with Section 26-282		

(2) The minimum occupancy area required by the table in subpart (e) of this Section shall not be included as a sleeping area in determining the minimum occupancy area for sleeping purposes. All sleeping areas shall comply with Section 26-282.

(3) Combined living room and dining room spaces shall comply with the requirements of the table in subpart (e) of this Section if the total area is equal to that required for separate rooms and if the space is located so as to function as a combination living room/dining room.

(f) Efficiency units.

Nothing in this Article shall prohibit an efficiency living unit from meeting the following requirements:

(1) A unit occupied by not more than one (1) Occupant shall have a minimum clear floor area of 120 square feet. A unit occupied by not more than two (2) Occupants shall have a minimum clear floor area of 220 square feet. A unit occupied by three (3) Occupants shall have a minimum clear floor area of 320 square feet. The required areas shall be exclusive of the areas required by subparts (2) and (3) of this Section 26-267(f).

(2) The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a minimum clear working space of 30

inches in front. Light and ventilation conforming to the PMC shall be provided.

(3) The unit shall be provided with a separate Bathroom containing a water closet, lavatory and bathtub or shower.

(4) The maximum number of Occupants shall be three (3).

(g) Food preparation.

Spaces to be occupied for food preparation purposes shall contain suitable space and Equipment to store, prepare and serve foods in a sanitary manner. There shall be adequate facilities and services for the sanitary disposal of food wastes and refuse, including facilities for temporary storage.

DIVISION 6. – PLUMBING AND FIXTURE REQUIREMENTS

Sec. 26-268. – Generally.

(a) The provisions of this Division shall govern the minimum plumbing systems, facilities and plumbing fixtures for occupying a Structure. The Owner of the Structure shall provide and maintain such plumbing facilities and plumbing fixtures in compliance with the requirements contained herein.

(b) A person shall not occupy as an Owner or Occupant or permit another person to occupy any Premises that does not comply with the requirements of this Division.

Sec. 26-269. – Required facilities.

(a) Dwelling units.

Every Dwelling Unit shall contain a bathtub or shower, lavatory, a flush-type water closet and a kitchen sink which shall be maintained in a sanitary and good working condition. The lavatory shall be placed in the same room as the water closet or located in close proximity to the door leading directly into the room in which the water closet is located. A kitchen sink shall not be used as a substitute for the required lavatory.

(b) Rooming houses.

Not less than one (1) water closet, lavatory and bathtub or shower shall be supplied for each four (4) rooming units.

(c) Hotels.

Where private water closets, lavatories and baths are not provided, one (1) water closet, one (1) lavatory and one (1) bathtub or shower having access from a public hallway shall be provided for each ten (10) Occupants.

(d) Employees' facilities. Not less than one (1) water closet, one (1) lavatory and one (1) drinking facility shall be available to employees.

(1) Drinking facilities shall be a drinking fountain, water cooler, bottled water cooler or disposable cups next to a sink or water dispenser. Drinking facilities shall not be located in toilet rooms or Bathrooms.

(e) Public toilet facilities.

Public toilet facilities shall be maintained in a safe, sanitary and working condition in accordance with the Lafayette City-Parish Consolidated Government Plumbing Code, as amended. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the Premises.

Sec. 26-270. – Toilet rooms.

(a) Privacy.

Toilet rooms and Bathrooms shall be arranged to afford privacy and shall not constitute the only passageway to a hall or other space, or to the exterior. A door and interior locking device shall be provided for all common or shared Bathrooms and toilet rooms.

(b) Location.

Toilet rooms and Bathrooms serving hotel units, rooming units or dormitory units or housekeeping units, shall have access by traversing not more than one (1) flight of stairs and shall have access from a common hall or passageway.

(c) Location of employee toilet facilities.

Toilet facilities shall have access from within the employees' working area. The required toilet facilities shall be located not more than one (1) story above or below the employees' working area and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m). Employee facilities shall either be separate facilities or combined employee and public facilities. Exception: Facilities that are required for employees in storage structures or kiosks, which are located in adjacent Structures under the same ownership, lease or control, shall not exceed a travel distance of 500 feet (152 m) from the employees' regular working area to the facilities.

(d) Floor surface.

In other than Dwelling Units, every toilet room floor shall be maintained to be a smooth, hard, nonabsorbent surface to permit such floor to be easily kept in a clean and sanitary condition.

Sec. 26-271. – Plumbing systems and fixtures.

(a) Plumbing fixtures.

All plumbing fixtures shall be properly installed and maintained in working order, and shall be kept free from obstructions, leaks, and defects and be capable of performing the function for which the plumbing fixtures are designed. All plumbing fixtures shall be maintained in a safe, sanitary and functional condition.

(b) Fixture clearances.

Plumbing fixtures shall have adequate clearances for usage and cleaning.

(c) Plumbing system hazard.

When a plumbing system in a Structure constitutes a hazard to the Occupants or the Structure by reason of inadequate service, inadequate venting, cross connection, back siphonage, improper installation, deterioration, or damage or for similar reasons, and the hazard poses an Imminent Danger to its Occupants, the Building Official shall order correction of the defects to eliminate the hazard and may order the Premises to be vacated until the defects are corrected.

Sec. 26-272. – Water system.

(a) General.

Every sink lavatory, bathtub or shower, water closet or other plumbing fixture shall be properly connected to the public water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot and cold running water.

(b) Contamination.

The water supply shall be maintained free from contamination, and all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture.

(c) Supply.

The water supply system shall be installed and maintained to provide a supply of water to plumbing fixtures in sufficient volume and at pressures adequate to enable the fixtures to function properly, safely, and free from defects and leaks.

(d) Water heating facilities.

Water heating facilities shall be properly installed and maintained in compliance with the applicable building regulations of the Lafayette City-Parish Consolidated Government, and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110 degrees Fahrenheit. A gas-burning water heater shall not be located in any Bathroom, toilet room, Bedroom or other occupied room normally kept closed, unless adequate combustion air is provided. An Approved combination temperature and pressure-relief valve and relief valve discharge pipe shall be properly installed and maintained on water heaters.

(e) Nonpotable water reuse systems.

Nonpotable water reuse systems and rainwater collection and conveyance systems shall be maintained in a safe and sanitary condition. Where such systems are not properly maintained, the systems shall be repaired to provide for safe and sanitary conditions, or the system shall be abandoned in accordance with Section 272(e)(1).

(1) Where a nonpotable water reuse system or a rainwater collection and distribution system is not maintained or the Owner ceases use of the system, the system shall be abandoned in accordance with the Lafayette City-Parish Consolidated Government Plumbing Code, as amended.

Sec. 26-273. – Sanitary drainage system.

(a) General.

All plumbing fixtures shall be properly connected to the public sewer system or to an Approved private system if the public system is not available. Where an Approved private system is utilized, the system, including its component parts, shall be properly installed and maintained in good working order, and shall be kept free from obstructions, leaks, and defects and be capable of performing the function for which the system is designed.

(b) Maintenance.

Every plumbing stack, vent, waste and sewer line shall function properly and be kept free from obstructions, leaks and defects.

(c) Grease interceptors.

Grease interceptors and automatic grease removal devices shall be maintained in accordance with the PMC and the manufacturer's installation instructions. Grease interceptors and automatic grease removal devices shall be regularly serviced and cleaned to prevent the discharge of oil, grease, and other substances harmful or hazardous to a Building's drainage system, the public sewer, the private sewage disposal system or the sewage treatment plant or processes. Records of maintenance, cleaning and repairs shall be available for inspection by the Building Official.

DIVISION 7. – MECHANICAL AND ELECTRICAL REQUIREMENTS

Sec. 26-274. – Generally.

(a) The provisions of this Division shall govern the minimum mechanical and electrical facilities and Equipment for occupying a Structure. The Owner of the Structure shall provide and maintain such mechanical and electrical facilities and Equipment in compliance with the requirements contained herein.

(b) A person shall not occupy as an Owner or Occupant or permit another person to occupy any Premises that does not comply with the requirements of this Division.

Sec. 26-275. – Heating facilities.

Every Dwelling Unit shall be provided with heating facilities capable of maintaining a minimum room temperature of 68 degrees Fahrenheit in all habitable rooms, Bathrooms and toilet rooms. Cooking appliances shall not be used to provide space heating to meet the requirements of this Section, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating. The installation of one (1) or more portable space heaters shall not be used to achieve compliance with this Section. The required room temperature shall be measured three (3') feet above the floor near the center of the room and two (2') feet inward from the center of each exterior wall.

Sec. 26-276. – Mechanical Equipment and appliances.

All mechanical Equipment, including any cooling facilities that may be provided, appliances, fireplaces, solid-fuel-burning appliances and cooking appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.

(a) Removal of combustion products.

All fuel-burning Equipment and appliances shall be connected to an Approved chimney or vent, unless labeled for unvented operation. Combustible and flammable items shall not be stored in the same area as fuel burning Equipment or appliances.

(b) Clearances.

All required clearances to combustible materials shall be maintained.

(c) Safety controls.

All safety controls for fuel-burning Equipment shall be maintained in effective operation.

(d) Combustion air.

A supply of air for complete combustion of the fuel and for ventilation of the space containing the fuel-burning Equipment shall be provided for the fuel-burning Equipment.

(e) Energy conservation devices.

Devices intended to reduce fuel consumption by attachment to a fuel-burning appliance, to the fuel supply line thereto, or to the vent outlet or vent piping therefrom, shall not be installed unless labeled for such purpose and the installation is specifically Approved.

Sec. 26-277. – Electrical facilities.

(a) Facilities required.

An occupied Building shall be provided with an electrical system in compliance with the requirements of this Section and Section 26-278.

(b) Service.

The size and usage of appliances and Equipment shall serve as a basis for determining the need for additional facilities in accordance with National Electrical Code, or as subsequently amended. Dwelling Units shall be served by a three-wire, 120/240-volt, single-phase electrical service having a rating of not less than 60 amperes.

(c) Electrical system hazards.

Where it is found that the electrical system in a Structure constitutes a hazard to the Occupants or the Structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons, and the hazard poses an Imminent Danger to its Occupants, the Building Official shall order correction of the defects to eliminate the hazard and may order the Premises to be vacated until the defects are corrected.

Sec. 26-278. – Electrical Equipment.

(a) Installation

All electrical Equipment, wiring and appliances shall be properly installed and maintained in a safe and Approved manner.

(b) Receptacles.

Every Habitable Space in a dwelling shall contain at least two separate and remote receptacle outlets. Every laundry area shall contain at least one (1) grounded-type receptacle or a receptacle with a ground fault circuit interrupter. Every Bathroom shall contain at least one (1) receptacle. Any new Bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

(c) Lighting Fixtures.

Every public hall, interior stairway, toilet room, kitchen, Bathroom, laundry room and other similar rooms shall contain at least one (1) lighting fixture. Pool and spa lighting fixture over 15 V shall have ground fault circuit interrupter protection.

(d) Wiring.

Flexible cords shall not be used for permanent wiring, or for running through doors, windows, or cabinets, or concealed within walls, floors, or ceilings.

Sec. 26-279. Elevators, escalators and dumbwaiters.

(a) General. Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certificate of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, be available for public inspection in the office of the Building Operator or be posted in a publicly conspicuous location Approved by the Building Official. The inspection and tests shall be performed at not less than the periodic intervals listed in ASME A17.1, Appendix N, except where otherwise specified by the authority having jurisdiction.

(b) Elevators.

In Buildings equipped with passenger elevators, not less than one elevator shall be maintained in operation at all times when the Building is occupied. Exception: Buildings equipped with only one (1) elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

Sec. 26-280. – Duct Systems.

Duct systems shall be maintained free of obstructions and shall be capable of performing the required function.

DIVISION 8. – FIRE SAFETY REQUIREMENTS.

Sec. 26-281. – General.

(a) Scope.

The provisions of this Section shall govern the minimum conditions and standards for fire safety relating to Structures and exterior Premises, including fire safety facilities and Equipment to be provided.

(b) Responsibility.

The Owner of the Premises shall provide and maintain such fire safety facilities and Equipment in compliance with these requirements. A person shall not occupy as Owner or Occupant or permit another person to occupy any Premises that do not comply with the requirements of this Article.

Sec. 26-282. – Means of egress.

(a) A safe, continuous and unobstructed path of travel shall be provided from any point in a Building or Structure to the public way. Means of egress shall comply with the International Fire Code, as amended.

(b) Aisles.

The required width of aisles in accordance with the International Fire Code, as amended, shall be unobstructed.

(c) Locked doors.

Means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Lafayette City-Parish Consolidated Government Building Code, as amended.

(d) Emergency escape and rescue openings.

Required emergency escape and rescue openings shall be maintained in accordance with any applicable code in effect at the time of construction, and both of the following:

(1) Required emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools.

(2) Bars, grills, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided that the minimum net clear opening size complies with any applicable code that was in effect at the time of construction and the unit is equipped with smoke alarms installed in accordance with the Lafayette City-Parish Consolidated Government Building Code, as amended. Such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening.

Sec. 26-283. – Fire-resistance ratings.

(a) The required fire-resistance rating of fire-resistance-rated walls, fire stops, shaft enclosures, partitions and floors shall be maintained.

(b) Required opening protectives shall be maintained in an operative condition. Fire and smoke stop doors shall be maintained in operable condition. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable.

Sec. 26-284. – Fire protection systems.

(a) Inspection, testing and maintenance.

All systems, devices, and Equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the International Fire Code, as amended.

(b) Single- and multiple-station smoke alarms.

Single- and multiple-station smoke alarms shall be installed in existing Group I-1 and R occupancies in accordance with 26-284(b)(1) through 26-284(d)

(1) Where required existing Group I-1 and R occupancies shall be provided with single-station smoke alarms in accordance with 26-284(b)(2) through 26-284(b)(5). Interconnection and power sources shall be in accordance with 26-284(c) and 26-284(d).

Exceptions:

a. Where the code that was in effect at the time of construction required smoke alarms and smoke alarms complying with those requirements are already provided.

b. Where smoke alarms have been installed in occupancies and dwellings that were not required to have them at the time of construction, additional smoke alarms shall not be required provided that the existing smoke alarms comply with requirements that were in effect at the time of installation.

c. Where smoke detectors connected to a fire alarm system have been installed as a substitute for smoke alarms.

(2) Single- or multiple-station smoke alarms shall be installed in all of the following locations in Group R-1:

a. In sleeping areas.

b. In every room in the path of the means of egress from the sleeping area to the door leading from the sleeping unit.

c. In each story within the sleeping unit, including basements. For sleeping units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

(3) Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and I-1 regardless of occupant load at all of the following locations:

a. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of Bedrooms.

b. In each room used for sleeping purposes.

c. In each story within a Dwelling Unit, including basements but not including crawl spaces and uninhabitable attics. In dwellings or Dwelling Units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

(4) Smoke alarms shall not be installed in the following locations unless this would prevent placement of a smoke alarm in a location required by 26-284(2) or 26-284(3).

a. Ionization smoke alarms shall not be installed less than 20 feet horizontally from a permanently installed cooking appliance.

b. Ionization smoke alarms with an alarm-silencing switch shall not be installed less than ten (10') feet horizontally from a permanently installed cooking appliance.

c. Photoelectric smoke alarms shall not be installed less than six (6') feet horizontally from a permanently installed cooking appliance.

(5) Smoke alarms shall be installed not less than three (3') feet horizontally from the door or opening of a Bathroom that contains a bathtub or shower unless this would prevent placement of a smoke alarm required by 26-284(2) or 26-284(3).

(c) Where more than one (1) smoke alarm is required to be installed within and individual dwelling or sleeping unit, the smoke alarms shall be interconnected in such a manner that the activation of one alarm will activate all of the alarms in the individual unit. Physical interconnection of smoke alarms shall not be required where listed wireless alarms are installed and all alarms sound upon activation of one alarm. The alarm shall be clearly audible in all Bedrooms over background noise levels with all intervening doors closed.

Exceptions:

1. Interconnection is not required in Buildings that are not undergoing alterations, repairs or construction of any kind.
2. Smoke alarms in existing areas are not required to be interconnected where alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the Structure, unless there is an attic, crawl space or basement available that could provide access for interconnection without the removal of interior finishes.

(d) Single-station smoke alarms shall receive their primary power from the Building wiring, provided that such wiring is served from a commercial source and shall be equipped with a battery backup. Smoke alarms with integral strobes that are not equipped with battery backup shall be connected to an emergency electrical system. Smoke alarms shall emit a signal when the batteries are low. Wiring shall be permanent and without a disconnecting switch other than as required for overcurrent protection.

Exceptions:

1. Smoke alarms are permitted to be solely battery operated in existing Buildings where no construction is taking place.
2. Smoke alarms are permitted to be solely battery operated in Buildings that are not served from a commercial power source.
3. Smoke alarms are permitted to be solely battery operated in existing areas of Buildings undergoing alterations or repairs that do not result in the removal of interior wall or ceiling finishes exposing the Structure, unless there is an attic, crawl space or basement available that could provide access for a Building's wiring without the removal of interior finishes.

(e) Smoke detectors listed in accordance with UL 268 and provided as part of the Building's fire alarm system shall be an acceptable alternative to single- and multiple-station smoke alarms and shall comply with the following:

1. The fire alarm system shall comply with all applicable requirements in Section 907 of the International Fire Code, as amended.
2. Activation of a smoke detector in a dwelling or sleeping unit shall initiate alarm notification in the dwelling or sleeping unit in accordance with Section 907-5.2 of the International Fire Code, as amended.
3. Activation of a smoke detector in a dwelling or sleeping unit shall not activate alarm notification appliances outside of the dwelling or sleeping unit, provided that a supervisory signal is generated and monitored in accordance with Section 907.6.5 of the International Fire Code, as amended.

(f) Single- and multiple-station smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that do not function

shall be replaced. Smoke alarms installed in one- and two-family dwellings shall be replaced not more than ten (10) years from the date of manufacturers marked on the unit, or shall be replaced if the date of manufacture cannot be determined.

Sec. 26-285. – Carbon Monoxide Alarms and Detection.

(a) Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the International Fire Code, as amended, except that alarms in dwellings covered by the International Residential Code shall be installed in accordance with Section R315 of that code.

(b) Carbon monoxide alarms and carbon monoxide detection systems shall be maintained in accordance with NFPA 720. Carbon monoxide alarms and carbon monoxide detectors that become inoperable or begin producing end-of-life signals shall be replaced.

DIVISION 9. – REQUIREMENTS FOR BOARDING OF STRUCTURES

Sec. 26-286. – Boarding.

If the Building Official, pursuant to Section 26-258(d), or the Hearing Officer, pursuant to Section 26-1175, orders the boarding of a Building, Structure, or Premises to secure same from entry, the following provisions shall apply.

(a) All windows and doors shall be boarded as provided herein to be water tight and prevent entry by unauthorized persons.

(b) Boarding shall be painted to correspond to the color of the existing Building or Structure unless otherwise Approved by the Building Official.

(c) All waste, rubbish, and debris shall be removed from the interior of the Building or Structure prior to boarding.

(d) Wood boarding shall not remain for more than six months, unless Approved by the Building Official, and the following factors shall be considered by the Building Official prior to granting approval:

- (1) The age of the Building or Structure,
- (2) The architectural significance of the Building or Structure,
- (3) The historic significance of the Building or Structure, and
- (4) The integrity of the boarding materials.

(e) Boarding materials shall be as follows:

(1) Boarding sheet material shall be a minimum of ½-inch thick wood structural panels complying with the Building Code, as amended, and/or any other material(s) Approved by the Building Official.

(2) Boarding framing material shall be minimum nominal 2-inch by 4-inch solid sawn lumber complying with the Building Code, as amended, and/or any other material(s) Approved by the Building Official.

(3) Boarding fasteners shall be minimum ¾-inch diameter carriage bolts of such a length as required to penetrate the assembly and as required to adequately attach the washers and nuts. Washer and nuts shall comply with the Building Code, as amended, and/or any other material(s) Approved by the Building Official.

(f) Boarding installation shall be in accordance with the following provisions, and/or by any other means Approved by the Building Official.

(1) The boarding sheet material shall be cut to fit the door or window opening neatly or shall be cut to provide an equal overlap at the perimeter of the door or window.

(2) Windows shall be opened to allow the carriage bolt to pass through or the window sash shall be removed and stored. The 2-inch by 4-inch strong back framing material shall be cut a minimum two (2") inches wider than the window opening and shall be placed on the inside of the window opening six (6") inches minimum above the bottom and below the top of the window opening. The framing and boarding shall be pre-drilled. The assembly shall be aligned and the bolts, washers and nuts shall be installed and secured.

(3) The door opening shall be framed with a minimum 2-inch by 4-inch framing material secured at the entire perimeter and vertical members at a maximum of 24 inches on center. Blocking shall also be secured at a maximum of 48 inches on center vertically. Boarding sheet material shall be secured with screws and nails alternating every six (6") inches on center.

(4) Doors shall be secured by the same method as for windows or door openings. One (1) door to the Structure shall be available for authorized entry and shall be secured and locked in an Approved manner.

DIVISION 10. – EMERGENCY PROCEDURES

Sec. 26-287. – Emergency Procedures.

(a) In any emergency where life, health, property or public safety is in Imminent Danger, the Building Official may take any necessary action(s) to protect the endangered life, health, property or public safety without complying with the notice and hearing provisions of Chapter 26, Article XVI, of the Lafayette City-Parish Consolidated Government Code of Ordinances and shall instead employ the procedures of this Section.

(b) An Imminent Danger to life, health, property or public safety exists whenever there is a substantial likelihood that loss of life, health, property or public safety will occur prior to fully complying with the notice and hearing provisions provided in Chapter 26, Article XVI, of the Lafayette City-Parish Consolidated Code and/or any other applicable law.

(c) If a determination is made that an emergency exists, when practical, the Building Official shall immediately cause a notice of such determination to be posted conspicuously on the Structure or at the entrance of the Premises. The notice shall state the emergency that exists, that imminent action(s) may be taken to ameliorate the dangerous or unsafe condition(s) that created the emergency, and that these actions will be taken without further notice or a hearing. The notice shall include the name and contact information of the Building Official.

(d) In all emergencies the Building Official must cause the dangerous or unsafe condition(s) that created the emergency to be photographed before any work or operation is begun to eliminate the dangerous or unsafe condition.

(e) Upon any determination that a health emergency exists that may cause the introduction, spread or transfer of any infectious or communicable disease, or that implicates any noxious element that is physically harmful to the health of individual(s), the Director of the Department of Health shall be notified.

(f) When necessary for the public safety, the Building Official may temporarily close adjacent Structures and, in conjunction with the Director of Public Works and/or the Director of Traffic, Roads & Bridges, close adjacent sidewalks, streets, and other public ways and prohibit them from being used.

(g) Any pool that fails to comply with the fencing or filtration requirements provided in Section 26-532 or Article IX of Chapter 26, shall be deemed to be an emergency to the health, safety and welfare of the public, permitting immediate remediation of the pool to prevent injury or death to persons, especially children. Any authorized city-parish

enforcement entity has the authority to cause improperly secured or stagnant pools to be immediately secured.

(h) Expenses incurred in the course of performing emergency work may be recovered utilizing the Notice of Cost Recovery procedures as provided in Chapter 26, Article XVI, of the Lafayette City-Parish Consolidated Code of Ordinances.

SECTION 3: Chapter 26, Article XVI, Section 26-1175 of the Lafayette City-Parish Consolidated Government Code of Ordinances is hereby amended by enacting the following additional provisions:

17. Additional Available Alternative Enforcement Procedures for Violations of Chapter 26, Article V.

In addition to all other remedies and powers available in this Section, the Hearing Officer, in adjudicating Violations of Article V of Chapter 26 of the Lafayette City-Parish Consolidated Government Code of Ordinances, shall have the power to order securing the building, structure, or premises from entry (boarding) and/or order that the building, structure, or premises be vacated consistent with the following:

A. Boarding of premises.

If a Hearing Officer orders the boarding of a structure, having determined it necessary to secure the premises from entry to protect the public health, safety, and welfare, the manner and method of boarding shall comply with the provision of Section 26-286 of the Lafayette City-Parish Consolidated Government Code of Ordinances.

B. Order to vacate.

- i. When an occupied building, structure, or premises is found by the Hearing Officer to be unsafe, unfit for human occupancy, and/or unlawful, an order to vacate may be issued.

(1) A building, structure, or premises is unsafe if it is found to be dangerous to the life, health, property or safety of the public or to any occupants therein because the premises is damaged, decayed, dilapidated, structurally unsafe, of faulty construction and/or unstable.

(2) A building, structure, or premises is unfit for human occupancy when the premises are in disrepair, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities, utilities, or other equipment as required by or necessary to comply with the PMC.

(3) A building, structure, or premises is unlawful when it is found in whole or in part to be overcrowded, or was erected, altered, or occupied contrary to law.

- ii. At the hearing, if, in the opinion of the Hearing Officer, a building, structure, or premises is unsafe, unfit, and/or unlawful, an order to vacate within a certain delay may be issued by the Hearing Officer. The order shall provide the specific violations of the PMC that justify the finding that the building, structure, or premise is unsafe, unfit and/or unlawful.

- iii. The building, structure, or premises shall be posted bearing notice of the order to vacate within 48 hours of the Hearing Officer's determination and order. The notice shall be signed by the Building Official, provide the date of the determination, and advise the public that the building, structure, or premises has been deemed unsafe, unfit, and/or unlawful and that the public is warned to keep away. The order shall be posted or affixed in a prominent location on the building, structure, or premises, or, if safe access to same is not reasonably practicable, on some prominent fixture on the adjacent public right-of-way as

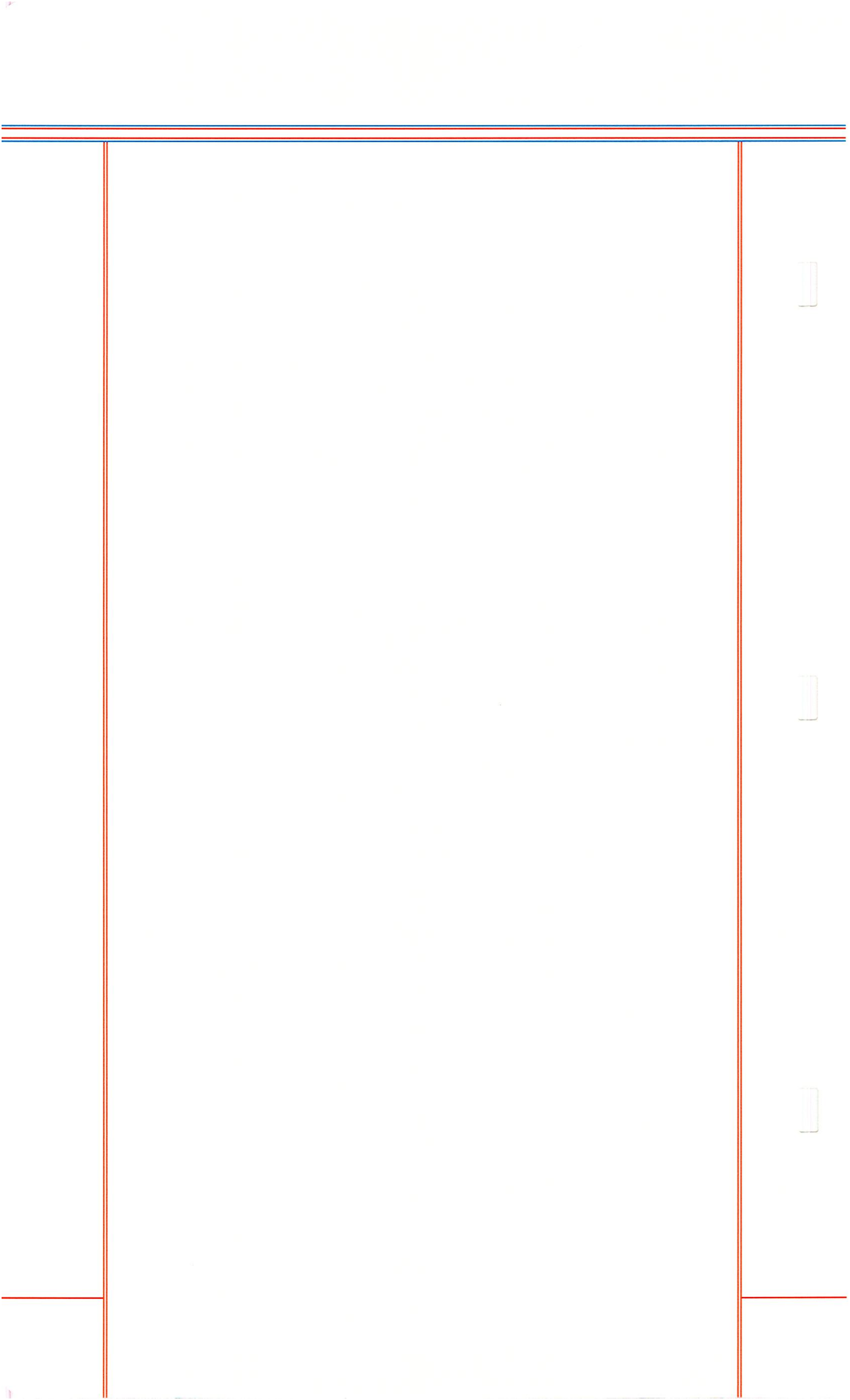
near as possible to the building, structure, or premises, and shall provide the date and time by which all occupants shall vacate.

- iv. All occupants shall vacate within the time period ordered by the Hearing Officer at the hearing. The building, structure, or premises shall remain vacated until the Building Official determines that the violations creating the unsafe, unfit and/or unlawful building, structure, or premises have been abated. Upon this determination, the Building Official shall issue a letter of re-occupancy to the Owner, and, at that time, the posting of the order to vacate may be removed.

SECTION 4: All ordinances or resolutions, or parts thereof, in conflict herewith, including but not limited to Ordinance No. JO-039-2019 and Ordinance No. JO-063-2021, are hereby repealed.

SECTION 5: After first having been adopted by a majority of the authorized membership of both the Lafayette City Council and the Lafayette Parish Council, this joint ordinance shall become effective upon signature of this joint ordinance by the Lafayette Mayor-President, or the elapse of ten (10) days after receipt by the Lafayette Mayor-President without signature or veto, or upon override of a veto, whichever occurs first.

* * * * *





30-095-2022

RECEIVED

OCT 25 2022

Lafayette Consolidated Government
Chief Administrative Officer

Internal Memorandum

Community Development and Planning Department
Office of the Director (Route 9041)

TO: Cydra Wingerter

DATE: October 25, 2022

FROM: Mary Sliman

SUBJECT: LCG Property Maintenance Code Ordinance

Cydra,

The attached ordinance will repeal the current language in Chapter 26 Article V wherein we have adopted International Property Maintenance Code (IPMC). We are replacing this Article with new language adopting our own LCG Property Maintenance Code (PMC) much of which is the same as the IPMC with minor changes. Currently the IPMC is a copyrighted document and is not easily accessible to the public. This change will allow the public to easily view the property maintenance code and is more tailored to our LCG needs.

I request that this Ordinance be placed on the November 15, 2022 Joint Council agenda.

A handwritten signature in blue ink that reads "Mary Sliman".

Mary Sliman
Director

LAFAYETTE CITY-PARISH COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

1) **JUSTIFICATION FOR REQUEST:** An ordinance of the Lafayette City Council and the Lafayette Parish Council amending Chapter 26 of the Lafayette City-Parish Consolidated Government Code of Ordinances by repealing and re-enacting Article V of Chapter 26 to provide for the implementation of the LCG Property Maintenance Code and amending Article XVI of Chapter 26 to provide for available alternative enforcement procedures related to violations of Article V.

2) **ACTION REQUESTED:** Adoption by the Lafayette City Council and Lafayette Parish Council.

3) **REQUESTED ACTION OF COUNCIL:**

A) INTRODUCTION: November 15, 2022

B) FINAL ADOPTION: December 6, 2022

4) **DOCUMENTATION INCLUDED WITH THIS REQUEST:**

A) Cover Memo (1 page)

B) Submittal Item Justification Form (1 page)

C) Ordinance (²⁹~~28~~ pages)

5) **FISCAL IMPACT:**

 Fiscal Impact (Explain)

 X No Fiscal Impact

RECOMMENDED BY:



MARY M. SLIMAN
Community Development and Planning
Director

APPROVED FOR AGENDA:



CYDRA WINGERT
Chief Administrative Officer

DISPOSITION OF ORDINANCE NO. JO-095-2022

1. This ordinance was introduced: November 15, 2022
YEAS: Tabor, Carlson, Guilbeau, Rubin
NAYS: None
ABSENT: K. Naquin
ABSTAIN: None


Final disposition by **Parish Council**:
December 6, 2022
YEAS: Tabor, K. Naquin, Carlson, Guilbeau, Rubin
NAYS: None
ABSENT: None
ABSTAIN: None

This ordinance was introduced:
YEAS: Lewis, A. Naquin, Hebert, Cook, Lazard
NAYS: None
ABSENT: None
ABSTAIN: None

Final disposition by **City Council**:
YEAS: Lewis, A. Naquin, Hebert, Cook, Lazard
NAYS: None
ABSENT: None
ABSTAIN: None

2. Notice of Public Hearing: This ordinance was published by Title and Notice of Public Hearing was published in the Advertiser on November 18, 2022.

3. This ordinance was presented to the Mayor-President for approval on December 7, 2022, at 10:30 o'clock a.m.


CLERK OF THE COUNCIL

4. Disposition by Mayor-President:


I hereby:

A. Approve this ordinance, the 13 day of DECEMBER, 2022, at 3:30 o'clock p.m.

B. Veto this ordinance, the _____ day of _____, 2022, at _____ o'clock ____m., veto message is attached.

C. Line item veto certain items this _____ day of _____, 2022, at _____ o'clock ____m., veto message is attached.


MAYOR-PRESIDENT

5. Returned to Council Office  with/without veto message on December 15, 2022, at 4:41 o'clock p.m.

6. Reconsideration by Council (if vetoed):

On _____, 2022, the Councils did/refused to adopt this ordinance after the Mayor-President's veto.

7. Returned to the Council Office without signature of Mayor-President (*unsigned*) on _____, 2022, at _____ o'clock ____m.

If not signed or vetoed by the Mayor-President, and ten days have elapsed since this ordinance was presented to him for action, same has been automatically approved.


CLERK OF THE COUNCIL

8. Full publication of this ordinance was made in the Advertiser on December 9, 2022.

