

ORDINANCE

AMENDING AND RE-ENACTING TITLE 8 (BUILDING REGULATIONS), SO AS TO PROVIDE FOR REGULATIONS TO BE COMPREHENSIVELY ALIGNED WITH THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL PLUMBING CODE, INTERNATIONAL MECHANICAL CODE AND NATIONAL ELECTRICAL CODE; AND RE-NUMBER ALL CHAPTERS AND SECTIONS FOR NUMERICAL CONSISTENCY.

BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge that:

Section 1. Title 8, Building regulations, Chapter 1. - Building Code, Chapter 2. - Plumbing Code, Chapter 3. - Electrical Code, Chapter 4. - Miscellaneous, Chapter 5. - House Moving, Chapter 6. - Pipelines and Similar Facilities, Chapter 7. - Geophysical and Seismographic Surveys, Chapter 8. - Residential Contractor's Code, Chapter 9. - Housing Discrimination of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby amended as follows:

"Section Title 8. Building Regulations

Chapter 1. - Building Codes

Section 8:100. Adoption of the latest edition of the International Building Code (IBC), International Residential Code (IRC), International Existing Building Code (IEBC) and the International Property Maintenance Code (IPMC).

(a) The regulations of the most recent edition of the International Building Code (IBC), International Residential Code (IRC) and International Existing Building Code (IEBC) as adopted and amended by the Louisiana State Uniform Construction Code Council (LSUCCC) as amended and published by the International Code Council, Inc., published in book form and the whole thereof, and such portions of the building code as are

hereinafter deleted, modified or amended, are hereby adopted as the regulations governing the construction of buildings and other structures in the city and parish.

(b) Except as hereinafter provided, it shall be unlawful to construct, enlarge, alter, repair, move, demolish, or change the occupancy of any building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the technical codes, or to cause any such work to be done, without first making application to the building official to obtain the required permit(s) for the work.

(c) The building official shall accept certified third-party providers engaged in plan reviews on behalf of commercial and residential contractors. Third party providers shall be certified and in good standing with the Louisiana State Uniform Construction Code Council established by R.S. 40:1730.23. Prior to any submittal, the third party provider shall submit evidence that it is certified in accordance with R.S. 40:1730.23 to the building official. The building official shall maintain listing of qualified providers and notation as to any provider that maintains a Disadvantage Business Enterprise "DBE" designation. The building official reserves the right to suspend or remove any third-party provider for just cause. The third-party provider may seek review of any suspension or removal to the director of public works. If the director of public works upholds the suspension or removal, there shall be a right of judicial review to the 19th Judicial District Court. The building official shall establish a listing

of all elements of a plan review that third-party providers may submit and certify for a contractor or homeowner. The building official reserves the right to approve all third-party plan reviews for compliance with sewer capacity, draining, traffic, UDC review, code oversight and flood zone determination. The building official within eight (8) business days of submission shall issue an approval of the building permit or a report outlining any deficiencies in such submitted application.

- (d) In connection with the construction of any building, structure or other improvement to immovable property, neither the performance of any enforcement procedure nor any provision of a building code shall constitute or be construed as a warranty or guarantee by the building official or third-party provider as a durability or fitness, that said building or structure or other improvement to immovable property or any materials, equipment, or method or type of construction used therein is or will be free from defects, will perform in a particular manner, is fit for a particular purpose or will last in any particular way.

Chapter 2. - Administration of the International Building Code (IBC), International Residential Code (IRC) and International Existing Building Code (IEBC), International Plumbing Code (IPC), International Mechanical Code (IMC), and National Electric Code (NEC) .

Section 8:200. Administration of the International Building Code (IBC), International Residential Code (IRC) International Existing Building Code (IEBC), International Plumbing Code (IPC), International Mechanical Code (IMC), and National Electric Code (NEC) .

The provisions of the International Building Code as adopted and amended by LSUCCC shall apply to the construction, alteration, relocation, enlargement, replacement, repair, equipment, use and

occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height, shall comply with the International Residential Code.

The provisions of the International Residential Code for One- and Two-family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height.

Exceptions:

1. Live/work units located in townhouses and complying with the requirements of Section 419 of the International Building Code shall be permitted to be constructed in accordance with the International Residential Code for One- and Two-Family Dwellings.
2. Owner-occupied lodging houses with five or fewer guestrooms shall be permitted to be constructed in accordance with the

International Residential Code for One- and Two-family Dwellings where equipped with a fire sprinkler system in accordance with Section P2904 of the International Residential Code.

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the International Residential Code.

Section 8:201. - Appendices.

Provisions in the appendices shall not apply unless specifically adopted.

Section 8:202. - Other laws.

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

Section 8:203. - Intent.

The purpose of this code is to establish the minimum requirements to provide a reasonable level of safety, public health and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide a reasonable level of safety to fire fighters and emergency responders during emergency operations.

Section 8:204. - Referenced codes.

The other codes referenced in Title 8 and referenced elsewhere in the International Building Code and the International Residential Code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

Section 8:204.1. - Gas.

The provisions of the International Fuel Gas Code as adopted and amended by the LSUCCC shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

Section 8:204.2. - Mechanical.

The provisions of the International Mechanical Code as adopted and amended by the LSUCCC shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

Section 8:204.3. - Plumbing.

The provisions of the International Plumbing Code as adopted and amended by the LSUCCC shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

Section 8:204.4. - Existing buildings.

The provisions of the International Existing Building Code as adopted and amended by the LSUCCC shall apply to matters governing

the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

Section 8:204.5. - Electrical.

The provisions of the National Electric Code as adopted and amended by the LSUCCC shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

Chapter 3. - Applicability.

Section 8:300. - Existing structures.

The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code and the International Existing Building Code as adopted and amended by the LSUCCC.

Section 8:301. - Buildings not previously occupied.

A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the International Building Code or International Residential Code as adopted and amended by the LSUCCC, as applicable, for new construction or with any current permit for such occupancy.

Section 8:302. - Buildings previously occupied.

The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as otherwise specifically provided in this code.

Chapter 4. - Enforcement and inspections.

Section 8:400. - Building official or their designee.

For purposes of this section, any and all reference to "building official" shall mean the building official or their designee.

Section 8:401. - Enforcement.

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

Section 8:402. - Application for permits.

The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

Section 8:403. - Inspections.

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

Section 8:404. - Right of entry.

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

Section 8:405. - Department records.

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

Section 8:406. - Approved materials and equipment.

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

Section 8:407. - Used materials and equipment.

The use of used materials that meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.

Section 8:408. - Modifications.

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

Section 8:409. - Alternative materials, design and methods of construction and equipment.

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire

resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved.

Section 8:410. - Research reports.

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

Section 8:411. - Tests.

Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the city-parish. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

Chapter 5. - Permits.

Section 8:500. - Permit required.

Any owner or owner's authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this

code, or to cause any such work to be performed, shall first make application to the building official and obtain the required permit.

Section 8:501. - Work exempt from permit.

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

(a) Building:

- (1) One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 200 square feet (18.5m²).
- (2) Oil derricks.
- (3) Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
- (4) Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18,925 L) and the ratio of height to diameter or width is not greater than 2:1.
- (5) Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- (6) Temporary motion picture, television and theater stage sets and scenery.
- (7) Prefabricated swimming pools that are less than 24 inches (610 mm) deep, are not greater than 5,000 gallons (18,925 L) and are installed entirely above ground.

- (8) Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
- (9) Swings and other playground equipment accessory to detached one- and two-family dwellings.
- (10) Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.
- (11) Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

(b) Electrical:

- (1) Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- (2) Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.
- (3) Listed cord-and-plug connected temporary decorative lighting.
- (4) Reinstallation of attachment plug receptacles but not the outlets therefor.
- (5) Replacement of branch circuit overcurrent devices of the required capacity in the same location.

- (6) Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
- (7) Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- (8) Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

(c) Gas:

- (1) Portable heating appliance.
- (2) Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- (3) Mechanical:
 - (4) Portable heating appliance.
 - (5) Portable ventilation equipment.
 - (6) Portable cooling unit.
 - (7) Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
 - (8) Replacement of any part that does not alter its approval or make it unsafe.
 - (9) Portable evaporative cooler.
 - (10) Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (0.75 kW) or less.

(d) Plumbing:

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

Section 8:502. - Emergency repairs.

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

Section 8:503. - Repairs.

Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or

similar piping, electric wiring or mechanical or other work affecting public health or general safety.

Section 8:504. - Public utility agencies.

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

Section 8:505. - Application for permit.

To obtain a permit, the applicant shall first file an application therefor in writing on a form or by electronic means furnished by the department of permits and inspections for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Title 8.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Give such other data and information as required by the building official.

Section 8:506. - Action on application.

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

Section 8:507. - Time limitation of application.

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 8:508. - Validity of permit.

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

construction documents and other data. The building official is authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

Section 8:509. - Expiration.

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

Section 8:510. - Suspension or revocation.

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

Section 8:511. - Placement of permit.

The permit holder or his agent shall post the permit on the jobsite in an accessible and conspicuous place. The permit shall be kept on the site of the work until the completion of the project.

Chapter 6. - Submittal documents.

Section 8:600. - General.

Submittal documents consisting of construction documents and other documents required by the building official shall be

submitted with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

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

Section 8:601. - Construction documents.

Construction documents shall be submitted in accordance with the requirements set forth in Title 8.

Section 8:602. - Information on construction documents.

Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted where approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

Section 8:602. - Means of egress.

The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the

means of egress including the path of the exit discharge to the public way in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

Section 8:603. - Exterior wall envelope.

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

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

Section 8:604. - Site plan.

The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be

drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan where the application for permit is for alteration or repair or where otherwise warranted.

Section 8:605. - Structural information.

The construction documents shall provide the information specified in Title 8.

Section 8:606. - Examination of documents.

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

Section 8:607. - Approval of construction documents.

When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

Section 8:608. - Previous approvals.

This code shall not require changes in the construction documents, construction or designated occupancy of a structure for

which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

Section 8:609. - Phased approval.

The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

Section 8:610. - Design professional in responsible charge.

Where it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner or the owner's authorized agent to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner or the owner's authorized agent shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner or the owner's authorized agent

if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

Section 8:611. - Deferred submittals.

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

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

Section 8:612. - Amended construction documents.

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

Section 8:613. - Retention of construction documents.

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

Chapter 7. - Temporary structures and uses.

Section 8:700. - General.

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

Section 8:701. - Conformance.

Temporary structures and uses shall comply with the requirements in Section 3103 of the International Building Code.

Section 8:702. - Temporary power.

The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in NFPA 70 as adopted and amended by LSUCCC.

Section 8:703. - Termination of approval.

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

Chapter 8. - Fees.

Section 8:800. - Payment of fees.

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

Section 8:801. - Schedule of permit fees.

On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

(a) Commercial plan review fee. Commercial plan review fee shall are set forth as follows:

(1) For valuations up to \$500,000, the fee shall be \$3 per thousand dollars.

(2) For valuations over \$500,000 the fee shall be \$1,500 plus \$0.50 per thousand dollars.

(3) Minimum commercial plan review fee shall be \$100.00.

(b) Residential plan review fee. Residential plan review fee shall be \$0.50 per Total Square Footage for each single-family residential unit including duplexes, and for additions/renovations. The minimum residential review fee shall be \$80.00. All fees are payable before plans are reviewed.

- (1) Residential plan reviews shall be completed within seven (7) business days after receipt of all required information necessary in order to complete an initial plan review. Residential resubmittals shall be reviewed within three (3) business days after receipt.

(c) Commercial Permit fees. The schedule of permit fees for construction shall be as follows:

- (1) For valuations up to \$100,000.00, the fee shall be \$5.00 per thousand dollars.
- (2) For valuations from \$100,000.00 through \$500,000.00, the fee shall be \$500.00 plus \$4.00 per thousand dollars.
- (3) For valuations above \$500,000.00, the fee shall be \$2,100.00 plus \$1.50 per thousand dollars.
- (4) Commercial plan reviews shall be completed within twenty-one (21) business days after receipt of all required information necessary in order to complete an initial plan review. Commercial resubmittals shall be reviewed within five (5) business days after receipt.

(d) Minimum permit fee for Commercial Construction will be \$100.00.

(e) Residential permit fee.

- (1) Residential NEW Building Permit fees: \$0 (included with plan review fee)

(2) All other Residential Building Permit fees shall be \$125.00. Including Additions, Renovations, Generators, Swimming Pools, Fence, Solar, Driveways.

Residential Electrical Trade Permit Fee: \$125.00

Residential Mechanical/HVAC Trade Permit Fee: \$125.00

Residential Plumbing and/or Gas Trade Permit Fee:
\$125.00

(f) Building valuation data. Commercial construction costs for fee calculation purposes shall be computed utilizing the most recent published version of the ICC Building Valuation Data (BVD).

(1) In lieu a permit fee based on valuation calculated as defined above, the building official may accept a written contract or agreement signed by the owner and contractor indicating the total actual construction cost.

(g) Double permit fee. A double permit fee may be assessed if construction work starts prior to the issuance of a required permit.

(h) Re-inspection fee. A re-inspection fee of \$20.00 may be assessed for each second and subsequent rejection or failed inspection for each craft. All re-inspection fees shall be paid prior to the authorization of utilities, the issuance of the Certificate of Occupancy, or the issuance of any

future permits to the owner, agent, or contractor responsible for the fee.

(i) After hours inspection fee. Before and after hours, non-emergency, inspection fee shall be \$150.00 and shall be paid prior to inspection. All requests for inspection must be made during working hours and inspections will be subject to availability of Inspection Division personnel. The final determination of emergency versus non-emergency status will be by the Building Official or his duly authorized representative.

(j) Technology Fee. A technology fee of \$15.00 shall be assessed for each permit issued. Technology fee revenues shall be dedicated and used for annual computer permit software costs and all associated computer hardware costs.

(k) Demolition permit fee shall be \$80.00.

(l) Commercial occupancy permit fee shall be \$100.00. A Fire Prevention inspection fee of \$25.00 shall be added to all sites located within the Baton Rouge City limits. A commercial occupancy permit shall be required for each change in owner or tenant or disconnection/reconnection of utilities in a commercial building. No construction work is allowed to be performed under the occupancy permit, with the exception of minor repairs not requiring a building permit. Minor electrical, mechanical, and plumbing repairs

may be performed with appropriate permits if approved by Inspection Division personnel. A change in the occupancy classification of a structure or building will require a submittal of plans for review and approval by the commercial plan review section.

(m) Residential occupancy permit fee shall be \$80.00. A residential occupancy permit shall be required for all single family residential structures where the utilities (electrical and/or gas) have been disconnected for a period of six (6) months or more. No construction work is allowed to be performed under the occupancy permit, with the exception of minor repairs not requiring a building permit. Minor electrical, mechanical, and plumbing repairs may be performed with appropriate permits if approved by Inspection Division personnel.

(n) House moving permit fee shall be \$80.00 per piece. A house moving permit shall be required for the relocation of a single-family residential building or structure to a lot within the parish or to relocate on the same lot. In conjunction with a house moving permit, a foundation permit and general remodeling permit shall also be required.

(o) Manufactured home relocation permit fee shall be \$80.00. In conjunction with a manufactured home relocation permit, electrical and plumbing permits shall also be required.

(p) Document retrieval fee shall be \$20.00. This fee shall be assessed for retrieval of plans, documents or other records from the established records archives. Requests for such documents shall be in writing and in accordance with current Freedom of Information Act laws. If requested and approved, copies of documents will be provided at a cost established by the Permit & Inspection Division for copies.

(q) Refunds. Refunds shall not be issued for applications for building permits once the plan review has been completed. Refunds shall not be issued for any permit in excess of one (1) year from the date of issuance.

(r) Residential new HVAC/mechanical permit fee: zero dollars (\$0.00) (included with plan review fee).

(s) All other residential HVAC/mechanical permit fee: one hundred twenty-five dollars (\$125.00).

(t) Commercial HVAC/mechanical permit fee schedule: for construction valuations less than one hundred thousand dollars (\$100,000.00): one hundred twenty-five dollars (\$125.00).

For construction valuations less than five hundred thousand dollars (\$500,000.00) and more than one hundred thousand dollars (\$100,000.00): three hundred dollars (\$300.00).

For construction valuations less than two million dollars (\$2,000,000.00) and more than five hundred thousand dollars (\$500,000.00): four hundred dollars (\$400.00).

For construction valuations more than two million dollars (\$2,000,000.00): six hundred dollars (\$600.00).

(u) All Other Residential Plumbing and/or Gas Permit Fee: \$125.00

(v) Commercial Plumbing and/or Gas Permit Fee schedule:

For Construction Valuations less than \$100,000.00: \$125.00

For Construction Valuations less than \$500,000.00 and more than \$100,000.00: \$300.00

For Construction Valuations less than \$2,000,000.00 and more than \$500,000.00: \$400.00

For Construction Valuations more than \$2,000,000.00: \$600.00

(w) Residential new electrical permit fee: zero dollars (\$0.00) (included with plan review fee).

(x) All other residential electrical permit fee: one hundred twenty-five dollars (\$125.00).

(y) Commercial electrical permit fee schedule:

For construction valuations less than one hundred thousand dollars (\$100,000.00): one hundred twenty-five dollars (\$125.00).

For construction valuations less than five hundred thousand dollars (\$500,000.00) and more than one hundred thousand dollars (\$100,000.00): three hundred dollars (\$300.00).

For construction valuations less than two million dollars (\$2,000,000.00) and more than five hundred thousand dollars (\$500,000.00): four hundred dollars (\$400.00).

For construction valuations more than two million dollars (\$2,000,000.00): six hundred dollars (\$600.00).

(z) All mobile homes, including tenant changes: eighty dollars (\$80.00).

Residential trailers: eighty dollars (\$80.00).

(aa) Board of Adjustments application fee \$45.

(ab) Board of Appeals application fee \$25.

(ac) Sign permit fees:

1. Walls Signs permit and plan review fee shall be \$250

2. Billboards and other free-standing sign permit and review fee shall be \$500.

(ad) Flood Zone Determination letter fees shall be \$15

(ae) All permit shall be charged a \$15 technology fee.

Section 8:802. - Work commencing before permit issuance.

Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees.

Section 8:803. - Related fees.

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

Chapter 9. - Inspections.

Section 8:900. - General.

Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the owner or the owner's authorized agent to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

Section 8:901. - Preliminary inspection.

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

Section 8:902. - Required inspections.

The building official, upon notification, shall make the inspections as set forth in Title 8.

Section 8:903. - Footing and foundation inspection.

Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C94, the concrete need not be on the job.

Section 8:904. - Concrete slab and under-floor inspection.

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

Section 8:905. - Lowest floor elevation.

In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.5 of the International Building Code shall be submitted to the building official.

Section 8:906. - Frame inspection.

Framing inspections shall be made after the roof deck or sheathing, all framing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

Section 8:907. - Fire- and smoke-resistant penetrations.

Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.

Section 8:908. - Energy efficiency inspections.

Inspections shall be made to determine compliance with Chapter 13 of the International Building Code and Chapter 11 of the International Residential Code and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-value, and HVAC and water-heating equipment efficiency.

Section 8:909. - Other inspections.

In addition to the inspections specified in Title 8, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the department of building safety.

Section 8:910. - Special inspections.

For special inspections, see Chapter 17 of the International Building Code.

Section 8:911. - Final inspection.

The final inspection shall be made after all work required by the building permit is completed.

Section 8:912. - Flood hazard documentation.

If located in a flood hazard area, documentation of the elevation of the lowest floor as required in Section 1612.5 of the International Building Code or applicable flood hazard provisions of the International Residential Code shall be submitted to the building official prior to issuance of the certificate of occupancy.

Section 8:913. - Mechanical Inspections

Mechanical Inspections will include inspection of all mechanical systems as determined by the Building Official

Section 8:914. - Plumbing Inspections.

Plumbing Inspections will include inspection of all plumbing systems as determined by the Building Official

Section 8:915. - Electrical Inspections

Electrical Inspections will include inspection of all electrical systems as determined by the Building Official

Section 8:916. - Gas Inspections

Gas inspections will include inspection of all fuel systems as determined by the Building Official

Section 8:917. - Inspection agencies.

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

Section 8:918. - Inspection requests.

It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

Section 8:919. - Approval required.

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

Chapter 10. - Certificate of Occupancy.

Section 8:1000. - Use and occupancy.

A building or structure shall not be used or occupied, and a change in the existing use or occupancy classification of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code, the Unified Development Code, or of other ordinances of the jurisdiction.

Exception: Certificates of occupancy are not required for work exempt from permits in accordance with Title 8.

Section 8:1001. - Certificate issued.

After the building official inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the department of permits and inspections, the building official shall issue a certificate of occupancy that contains the following:

- (1) The building permit number.
- (2) The address of the structure.
- (3) The name and address of the owner or the owner's authorized agent.
- (4) A description of that portion of the structure for which the certificate is issued.
- (5) A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.

- (6) The name of the building official.
- (7) The edition of the code under which the permit was issued.
- (8) The use and occupancy, in accordance with the provisions of Chapter 3 of the International Building Code.
- (9) The type of construction as defined in Chapter 6 of the International Building Code.
- (10) The design occupant load.
- (11) If an automatic sprinkler system is provided, whether the sprinkler system is required.
- (12) Any special stipulations and conditions of the building permit.

Section 8:1002 - Temporary occupancy.

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

Section 8:1003. - Revocation.

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

Chapter 11. - Service Utilities.

Section 8:1100. - Connection of service utilities.

A person shall not make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official.

Section 8:1101. - Temporary connection.

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

Section 8:1102. - Authority to disconnect service utilities.

The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this section and the referenced codes and standards set forth in Title 8 in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Title 8. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

Chapter 12. - Board of appeals.

Section 8:1200. - General.

In order to hear and decide appeals of orders, decisions or determinations made by the building official and/or Flood Plain

Manager relative to the application and interpretation of this code and the Unified Development Code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business. The board shall consist of seven (7) members and two (2) alternates, all of whom shall be appointed by the mayor-president, but with the consent of the council. The mayor - president shall appoint members for a term of three (3) years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued Absence of any member from regular meeting of the board shall render any such member liable to immediate removal from office by the mayor-president. The present members of the board of appeals shall continue to serve until the expiration of their respective terms.

Section 8:1201. - Limitations on authority.

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall not have authority to waive requirements of this code. Five (5) members of the board shall constitute a quorum. In varying the application of any provision of this code or in modifying an order of the building official, affirmative votes of five (5) members shall be required.

Section 8:1202. - Qualifications.

The board of appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the city-parish.

Chapter 13. - Violations.

Section 8:1300. - Unlawful acts.

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

Section 8:1301. - Notice of violation.

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

Section 8:1302. - Prosecution of violation.

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

process shall be pursuant to Title 1, section 1:609 et.seq. However, this process shall not be deemed the exclusive remedy afforded to the City/Parish.

Section 8:1303. - Violation penalties.

Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to fines of not less than one hundred dollar (\$100.00) nor more than five hundred dollars (\$500.00).

Chapter 14. - Stop work order.

Section 8:1400. - Authority.

Where the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or dangerous or unsafe, the building official is authorized to issue a stop work order.

Section 8:1401. - Issuance.

The stop work order shall be in writing and shall be given to the owner of the property involved, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work will be permitted to resume.

Section 8:1402. - Unlawful continuance.

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

Chapter 15. - Unsafe structures and equipment.

Section 8:1500. - Conditions.

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

Section 8:1501. - Record.

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

Section 8:1502. - Notice.

Notice shall be pursuant to the condemnation process set forth in Title 12, Chapter 8, Section 12:521 et seq.

Section 8:1503. - Method of service.

Service shall be pursuant to the condemnation process set forth in Title 12, Chapter 8, Section 12:521 et seq of this code of ordinances.

Section 8:1504. - Restoration.

Where the structure or equipment determined to be unsafe by the building official is restored to a safe condition, to the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions and change of occupancy shall comply with the requirements of Title 8 and the International Existing Building Code.

Chapter 16. - Fire prevention.

Section 8:1600. - Definition.

For purposes of this section, the term "fire official" shall mean the chief of the Baton Rouge City Fire Department or his designee. Except that in Central Fire Protection District, District 6 Fire Protection District, East Side Fire Protection District and St. George Fire Protection District, the term shall mean the chief of each respective district or his designee.

Section 8:1601. - Water supply.

Approved fire hydrants shall be provided for buildings to meet the necessary fire flow requirements as determined by the fire official. Where public water supply is inadequate or not available, an approved alternative water source meeting the fire flow requirements shall be provided.

Section 8:1602. - Location.

The location and number of hydrants shall be designated by the fire official, but in no case shall the distance between installed fire hydrants exceed one thousand (1,000) feet. Maximum distance from the nearest hydrant to the most remote exterior point of any building shall be five hundred (500)

feet. The distance shall be measured on a roadway surface meeting the fire department access requirements of section 602.6 of the Standard Fire Prevention Code and all amendments and/or modifications thereto.

Section 8:1603. - Plans and specifications.

Plans, specifications and hydraulic calculations for installation, modification, or alterations of any fire service main or fire hydrant shall be submitted to the fire official for review and approval prior to installation.

Section 8:1604. - Preliminary approval.

No building permit shall be issued without preliminary approval of the fire official under this section. Additionally, the building official shall not issue a certificate of occupancy or a temporary certificate of occupancy within the boundaries of the St. George Fire Protection District without proof that the place of occupancy has been inspected and accepted by the fire prevention bureau of the St. George Fire Department.

Section 8:1605. - Fire flow tests.

Fire flow tests shall be witnessed by the fire official prior to final approval.

Section 8:1606. - Acceptance test required.

Before final approval and acceptance of fire suppression, alarm, detection or any fire protection device including standby power facilities and fire ventilating systems, in any building or structure, the installation shall be subjected to an acceptance test. These tests shall be adequate to determine that the system or fire protection device has been properly installed and will function as intended. It shall be unlawful to occupy within portions of a structure until the required

fire protection systems within that portion of the structure have been tested and approved.

Section 8:1607. - Permit required.

No person shall install, make alterations or additions to a fire protective signaling, detection or fire suppression system before securing a permit from the fire official.

Section 8:1608. - Fire official discretion.

The fire official may waive the provisions of the section and/or issue temporary or provisional approvals.

Section 8:1609. - Exclusions.

The provisions of this section do not apply to one- and two-family dwellings or their detached accessory structures.

CHAPTER 17. - HOUSE MOVING.

Section 8:1700. Definitions.

For the purposes of this chapter, the following terms, phrases and words shall have the following meanings:

Building is a structure designed, built or occupied as a shelter or roofed enclosure for persons, animals or property and used for residential, business, mercantile, storage, commercial, industrial, institutional assembly, educational or recreational purposes. Structures that carry a vehicle tag are excluded.

Building mover is any person who moves or procures an agreement to move a building over, along or across any public way (not to include state roads), street or alley.

Section 8:1701. Duties of building mover.

Every building mover under this chapter shall:

- (1) *Use designated streets:* Move a building only over streets designated for such use in the written permit. Restricted hours are from 6:00 a.m. to 9:00 a.m. and 3:00 p.m. to 9:00 p.m. Once the move begins, only the law enforcement officers have the authority to alter the route due to emergency or safety reasons.
- (2) *Notify of desired moving time:* Notify the inspection division in writing of a desired change in moving date and hours as stated in the application.
- (3) *Notify of damage:* Notify the inspection division in writing of any and all damage done to property belonging to the city-parish within twenty-four (24) hours after the damage or injury has occurred.

- (4) All equipment used shall have a current license tag on the tractor, current commercial safety sticker, inspected by the Louisiana Department of Public Safety, current license tag on the trailer, and a properly posted sign on the tractor showing moving contractor's name. In addition, a copy of insurance, vehicle registration, and city-parish approved permit must be in the vehicle.
- (5) *Comply with governing law:* Comply with the building code, the zoning ordinance and all other applicable ordinances and laws upon relocating a building in the city-parish.
- (6) Original building site to be left in a safe and sanitary condition.
- (7) *Remove service connections:* See that the sewer line is plugged and gas and water shut off. The permittee shall notify the gas and electric service companies to remove their services a minimum of one (1) work day in advance of the move.
- (8) *Pay expenses of officers:* Pay the expense of any officer required by the chief of the inspection division to accompany the movement of the building to protect the public from injury. The contractor shall pay the law enforcement officers the assigned rate. The house mover will have thirty (30) minutes from the starting time to begin the move; if the thirty-minute time has lapsed, then the move will be terminated for that day. Due to shift changes, it will be necessary to have a cutoff time of 2:00 p.m.; however, should the house mover want to continue his move to 3:00 p.m., it will be necessary to hire two (2) more motorcycle

units to continue the escort. Notice for a house moving will be given to the traffic office the day before the move (24 hours). Any cancellation will be two (2) hours before the scheduled time of the move.

(9) Plan route of the move and drive the route to check out all clearances that may be needed for safe passage. Notify all overhead utilities a minimum of three (3) working days in advance of the move in order to check clearance of the planned route.

(10) Notify all needed escorts a minimum of one (1) work day in advance of the move. In the event of any delay or cancellation of the move for that day, notify all escorts a minimum of the beginning of that work day.

Section 8:1702. Exceptions.

The provisions of this chapter shall not apply to the moving of small builders' shanties and other similar temporary structures where the structure can be moved on normal automotive equipment, will not exceed twelve (12) feet in width, fourteen (14) feet in height, or overall combined length of seventy-five (75) feet, and will not require the blocking of right-of-way or interference with the normal movement of traffic.

CHAPTER 18. PIPELINES AND SIMILAR FACILITIES

Section 8:1800. Permit required.

No pipeline or other similar facility shall be constructed or installed in public rights-of-way or over and across any public or private property within the city-parish unless a permit therefor shall first have been obtained from the permit division of the department of public works.

Section 8:1801. Submission for approval.

The installation and construction of all such pipelines or other similar facilities shall be in accordance with plans approved by the department of public works and the department of public works may require the applicant for such a permit to submit such plans as may be necessary to effect the provisions of this chapter.

Section 8:1802. Requirements.

Whenever any pipeline is to be installed in, over or through any public road or street right-of-way or public servitude located anywhere in the city-parish, a permit as above provided must be obtained and the following additional requirements shall be met:

- (1) All pipeline crossings of public roads are to be cased and vented or as approved by the director of public works provided said design meets or exceeds the current Louisiana Department of Transportation and Development standards.
- (2) If crossings are made by excavation rather than boring, the roads are to be restored to their original condition, and said cuts are to be maintained for a period of thirty-six (36) months.
- (3) All crossings of drainage canals, streams, ditches, etc., are to be made in such a manner as to permit future enlargement and/or improvement of the drainage facilities.
- (4) If the material removed from an excavation is not suitable for backfill, the permittee shall haul it away and provide suitable backfill material.
- (5) All alterations and/or relocations of the proposed pipeline which may become necessary due to the improvement and/or sidening of the public roads and/or drainage canals or

public servitudes shall be done entirely at the expense of the permit holder and upon request, even though the above provisions have been met, and each permit issued under this section shall bear a statement to that effect.

(6) The installation and construction of all such pipelines or other similar facilities shall be subject to the supervision of the department of public works. A stop work order may be issued for any failure of the permittee to comply with the conditions of his permit or where a danger to the public exists.

(7) The department of public works shall estimate the time required for all such installations and permit fees shall be collected at the rate of twelve dollars and fifty cents (\$12.50) per day.

(8)

a. Before any permit shall issue under this section, the applicant shall post bond in favor of the city-parish in the amount of five thousand dollars (\$5,000.00), plus an amount estimated by the engineering division of the department of public works as sufficient to cover the cost of filling and maintaining excavations as required by this chapter. The bond shall be written by a surety company authorized to transact business in the state and shall be approved as to form by the parish attorney.

b. The bond hereby required shall be conditioned upon the permittee's compliance with this chapter and to secure and hold the city-parish harmless against any and all claims, judgments or other costs arising from the excavation and

other work covered by the permit, or for which the city-parish, or any officer or employee thereof, may be made liable by reason of any accident or injury to persons or property through the fault of the permittee either in not properly guarding the excavation or for any other injuries resulting from the negligence of the permittee, and further conditioned to fillup, restore, and place in good and safe condition, as near as may be to its original condition, and to the satisfaction of the department of public works, all openings and excavations made in public roads, street rights-of-way or public servitudes, including drainage and sewerage facilities and servitudes, and to maintain any road, street or servitude where excavation is made, in as good condition for a period of thirty-six (36) months after the work shall have been completed, usual wear and tear excepted, as it was in before the work started. Any settlement of the surface within the said three (3) year period shall be deemed conclusive evidence of defective backfilling by the permittee. Nothing herein contained shall be construed to require the permittee to maintain any repairs to pavement made by the city-parish. Recovery on the bond hereby required for any injury or accident shall not exhaust the bond but it shall in its entirety cover any or all future accidents or injuries during the excavation work for which it is given. If any suit or claim against the city-parish by reason of the negligence or default of the permittee, and upon the giving of written notice to the permittee of such suit or claim, any final judgment against the city-parish requiring payment for such

damage shall be conclusive upon the permittee and his surety. If at any time during the three (3) year period the permittee shall fail to properly backfill and maintain any excavation, the city-parish shall, upon giving of ten (10) days' written notice to the permittee and to his surety, shall be entitled to contract for the necessary work and to call upon the permittee and his surety to pay the entire cost thereof.

- (9) Before any permit shall issue under these sections, the applicant shall also furnish to the department of public works a certificate of insurance evidencing public liability insurance issued by an insurance company qualified to do business in the state which insurance coverage shall afford protection against third persons sustaining injury or damage as a result of the negligent construction, operation and maintenance of the pipe line or other similar facilities by the operator thereof and shall name the city-parish as an additional insured thereunder for such coverage only, and shall not have less than the following limits of liability:
- (i) For each accident causing bodily injury three hundred thousand dollars (\$300,000.00) for each person injured and five hundred thousand dollars (\$500,000.00) for each accident; and
 - (ii) one hundred thousand dollars (\$100,000.00) for property damage sustained in any one accident.
- The policy shall remain in full force and effect so long as any pipe line is maintained and operated pursuant to any permit issued hereunder, and shall provide that the city-parish shall be given at least ten (10) days' written notice prior to its cancellation. If notice of cancellation

is given and another certificate of insurance evidencing the issuance of a policy meeting all terms and conditions hereof is not furnished prior to the end of the ten (10) day period, the permit shall automatically be forfeited and the applicant shall immediately discontinue its operations thereunder. Provided, however, that the reinstatement of the insurance coverage provided herein and the furnishing of a certificate of such insurance coverage to the city-parish shall entitle applicant to immediate reinstatement of its permit. In addition to the aforesaid insurance requirement, any permit issued under these sections is conditioned on the understanding that the applicant and/or its insurer will fully protect and defend the city-parish against any cause of action premised solely upon its act of issuing such permit. Nothing herein shall be construed as protecting or insuring the city-parish as an additional insured under the aforesaid certificate of insurance, against any claims or liabilities which are or may be attributable to injuries or damages arising out of or resulting from any acts (except the sole act of issuing the permit described above), omission, negligence or fault of the city-parish, its agents, servants, employees or by any other persons acting under its direction.

- (10) If it is necessary that the pipeline or other similar facility be altered, relocated or removed by reason of any public improvement, the director of public works shall give notice to the owner thereof directing that the pipeline be relocated or removed. Within thirty (30) days after receipt of such a notice, the owner shall commence the removal or

relocation of its facilities in accordance with the direction of the director of public works and shall prosecute such work with due diligence. If the owner fails or refuses to commence the work as herein provided, it shall be responsible to the city-parish for any cost or damage occasioned by the delay in commencing and prosecuting such work.

Where pipelines or other similar facilities are located within existing street or other public rights-of-way under servitudes or titles acquired prior to the acquisition or dedication of the street or public rights-of-way and it is necessary that such pipeline or other similar facility be altered, removed or relocated in order to facilitate public improvements, then in such event, the director of public works is authorized to immediately negotiate with the owner for the alteration, relocation or removal of the facility. If an agreement is reached under which such alteration, removal or relocation is to be carried out, the agreement shall provide, in addition to other terms and conditions contained therein, that the owner shall commence such alteration, relocation, or removal within thirty (30) days after the execution of the agreement and shall prosecute the work with all due diligence. If an agreement cannot be reached with the owner, or if the owner fails or refuses to commence the work required under the agreement within thirty (30) days after its execution, the office of the parish attorney is hereby authorized to take such steps as may be required or necessary in order to acquire the right to

construct the public improvement over and across the existing pipeline or other similar facility.

CHAPTER 19. - GEOPHYSICAL AND SEISMOGRAPHIC SURVEYS.

Section 8:1900. Permit required.

No geophysical or seismographic survey by any person shall be performed on property owned by the city-parish unless permission therefor shall first have been obtained from the council.

Section 8:1901. Approval of plans.

Any geophysical or seismographic survey shall be in accordance with the permittee's plans as approved by the department of public works, such approval to be granted by the director of the department of public works, assistant director of the department of public works or chief engineer of the department of public works.

Section 8:1902. Fees.

(a) Should a geophysical or seismographic survey which does not require drilling take place on property owned by the city-parish, a fee of three hundred dollars (\$300.00) shall be charged.

(b) Should a geophysical or seismographic survey which requires drilling take place on property owned by the city-parish, a fee of one hundred fifty dollars (\$150.00) per drilling hole bored shall be charged.

Section 8:1903. Penalty.

Any person violating or failing or refusing to comply with any provisions of this chapter shall be deemed guilty of an offense, punishable upon conviction by a fine of not more

than five hundred dollars (\$500.00), or imprisonment for not more than one hundred eighty (180) days, or both, at the discretion of the court; and a separate offense shall be deemed committed on each day during which such violation exists.

CHAPTER 20. - HOUSING DISCRIMINATION

ARTICLE 1. GENERAL PROVISIONS

Section 8:2000. Declaration of policy.

(a) It is the policy of the city to bring about the opportunity of each person to obtain housing without regard to race, color, religion, handicap, sex, familial status, or national origin through fair, orderly and lawful procedures.

(b) This policy is established upon a recognition that each individual has the inalienable right to obtain housing without regard to race, color, sex, religion, disability, familial status or national origin. This policy identifies the detrimental effect that discrimination based on race, color, sex, religion, disability, familial status or national origin, has on the health, safety and welfare of the inhabitants of the city and parish. The city and parish acknowledges its responsibility to use its power to prevent the denial of housing based on such considerations because such considerations constitute an unjust denial or deprivation of inalienable rights.

Section 8:2001. Scope.

(a) To provide a procedure for investigating and settling complaints of discriminatory housing practices which: (1) are violations of state and federal law; (2) provide to aggrieved parties through local administrative resources, and (3) to

provide a referral system to direct cases beyond the scope of local administrative process to the suitable state and/or federal enforcement authorities for litigation.

(b) Even though federal law protects individuals against discrimination in housing based on race, color, religion, handicap, sex, familial status, or national origin, it is the policy of the city-parish that no person should be denied the opportunity to obtain housing on the basis of race, color, religion, handicap, sex, familial status, or national origin.

ARTICLE 2. DISCRIMINATION IN HOUSING—FAIR HOUSING ACT COMPLIANCE

Division 1. General Provisions

Section 8:2002. Purpose.

The purposes of this chapter are:

- (1) To provide for fair housing practices in the city;
- (2) To create a procedure for investigating and settling complaints of discriminatory housing practices;
- (3) To provide administrative remedies to aggrieved parties through local administrative resources; and
- (4) To provide a referral system to direct cases beyond the scope of local administrative process to suitable state and/or federal enforcement authorities for litigation or injunctive relief.

Section 8:2003. Definitions.

As used in this chapter:

- (1) *Aggrieved person* includes any person who:
 - a. Claims to have been injured by a discriminatory housing practice; or

- b. Believes that he will be injured by a discriminatory housing practice that is about to occur.
- (2) *Complainant* means that person who files a complaint pursuant to 8:2017.
- (3) *Conciliation* means the attempted resolution of issues raised by a complaint, or by the investigation of such complaint, through informal negotiations involving the aggrieved person, the respondent, and the director of the office of community development or his designee.
- (4) *Conciliation agreement* means a written agreement setting forth the resolution of the issues in conciliation.
- (5) *Discriminatory housing practice* means an act that is unlawful pursuant to sections 8:2013 through 8:2016 of this chapter.
- (6) *Dwelling* means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon at any such building, structure, or portion thereof.
- (7) a. *Familial status* means one or (1) more individuals, who have not attained the age of eighteen (18) years, being domiciled with:
1. A parent or another person having legal custody of such individual or individuals; or
 2. The designee of such parent or other person having such custody, with the written permission of such parent or other person.

b. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of eighteen (18) years.

(8) *Family* includes a single individual.

(9) a. *Handicap* means, with respect to a person:

1. A physical or mental impairment which substantially limits one (1) or more of such person's major life activities.

2. Major life activities means functions essential to everyday life, including caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

3. A record of having such an impairment; or

4. Being regarded as having such an impairment;

b. Such term does not include current, illegal use of, or addiction to a controlled substance as defined in section 102 of the Controlled Substances Act, 21 U.S.C. 802, et seq.

(10) *Person* includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(11) *Respondent* means the person or other entity accused in a complaint of a discriminatory housing practice, or, any other person or entity identified in the course of an

investigation and notified that they are a respondent who shall be joined in the complaint.

(12) *To rent* includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises owned by the occupant.

Section 8:2004. General applicability and exceptions thereto.

(a) Subject to the provisions of subsection (b) of this section and sections 8:2005 and 8:2006 of this chapter, the prohibitions against discrimination in the sale or rental of housing set forth in 8:2015 shall apply to:

(1) Dwellings owned or operated by the federal government, this state, or by any political subdivision of this state.

(2) Dwellings financed in whole or in part with the aid of loans, advances, grants, or contributions made by:

a. This state or any political subdivision of this state.

b. The federal government under agreements entered into after November 20, 1962, unless payment due thereon has been made in full prior to April 11, 1968.

(3) Dwellings provided in whole or in part by loans insured, guaranteed, or otherwise secured by the credit of the federal government under agreements entered into after November 20, 1962, unless payment thereon has been made in full prior to April 11, 1968; provided that nothing contained in paragraphs (2) and (3) of this subsection shall be applicable to dwellings solely by virtue of the fact that they are subject to mortgages held by an institution insured by the Federal Deposit Insurance Corporation.

(4) Dwellings provided by the development or the redevelopment of real property purchased, rented, or otherwise obtained from a state or local public agency receiving federal financial assistance for slum clearance or urban renewal with respect to such real property under loan or grant contracts entered into after November 20, 1962.

(5) All other dwellings except as exempted by subsection (b) of this section.

(b) Nothing in 8:2013, except paragraph (a) (3) thereof, shall apply to any of the following dwellings:

(1) Any single-family house sold or rented by an owner, provided that such private individual owner does not own more than three (3) such single-family houses at any one (1) time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this Paragraph shall apply only with respect to one (1) such sale within any twenty-four-month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one (1) time; provided further that the sale or rental of any such single-family house shall be excepted from the application of this provision only if such house is sold or rented

without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker or salesperson, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, salesperson, or person and without the publication, posting, or mailing of any advertisement or written notice in violation of section 8:2013(a)(3), but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as is necessary to perfect or transfer the title.

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters at his residence.

(c) For the purposes of subsection (b) of this section, a person shall be deemed to be in the business of selling or renting dwellings if any of the following situations exist:

(1) He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein.

(2) He has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities

or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein.

(3) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.

Section 8:2005. Religious organization and private club exemption.

(a) Nothing in this chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised., or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin.

(b) Nothing in this chapter shall prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(c) Nothing in this chapter limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling.

Section 8:2006. Housing for elderly exempted.

Nothing in this chapter regarding familial status applies with respect to dwellings provided under any state or federal program specifically designed and operated to assist elderly persons, as

defined in the state or federal program, or to housing for older persons. As used in this subsection, "housing for older persons" means housing communities consisting of dwellings either:

(1) a. Intended for, and at least eighty (80) percent occupied by, at least one (1) person who is fifty-five (55) years of age or older per unit and providing significant facilities and services specifically designed to meet the physical or social needs of such persons; and

b. The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons fifty-five (55) years or older; or

(2) Intended for and occupied solely by persons sixty-two (62) years of age or older.

Section 8:2007. Appraisal exemption.

Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

Section 8:2008. Effect on other law.

(a) This chapter does not affect a reasonable state or local restriction on the maximum number of occupants permitted to occupy a dwelling or a restriction relating to health or safety standards.

(b) This chapter does not affect a requirement of nondiscrimination in any other ordinance or state or federal law.

Division 2. Administration

Section 8:2009. Administration.

The office of community development shall administer this chapter.

Section 8:2010. Rules.

The office of community development may adopt both substantive and procedural rules necessary to implement this chapter, consistent with the intention of this chapter and any Louisiana Revised Statutes and local ordinances providing for administrative hearings at the local level.

Section 8:2011. Complaints.

The office of community development shall receive, investigate, seek to conciliate, and act on complaints alleging violations of this chapter.

Section 8:2012. Cooperation with other entities.

The office of community development shall cooperate with and, as appropriate, may provide technical and other assistance to federal, state, local, and other public or private entities that are formulating or operating programs to prevent or eliminate discriminatory housing practices.

Division 3. Prohibitions Against Discrimination

Section 8:2013. Discrimination in sale or rental of housing.

(a) As made applicable by section 8:2004, and except as exempted by sections 8:2004(b), 8:2005, and 8:2006, of this chapter, it is unlawful:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of,

or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status, or national origin.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, sex, familial status, or national origin.

(3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, handicap, familial status, or national origin, or an intention to make any such preference, limitation, or discrimination.

(4) To represent to any person because of race, color, religion, sex, handicap, familial status, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.

(5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, sex, handicap, familial status, or national origin.

(6) a. To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:

1. That buyer or renter;

2. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 3. Any person associated with that buyer or renter.
- b. To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with such dwelling, because of a handicap of:
1. That person;
 2. A person residing in or intending to reside in that dwelling after it is so sold, rented, or made available; or
 3. Any person associated with that person.
- c. For purposes of this paragraph, discrimination includes:
1. A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises except that, in the case of a rental, the landlord may, where it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;
 2. A refusal to make reasonable accommodations in rules, policies, practices, or services, when such accommodations may be necessary to afford such person equal opportunity to use and enjoy a dwelling; or

3. In connection with the design and construction of covered multifamily dwellings for first occupancy after March 13, 1991, a failure to design and construct those dwellings in such a manner that:

A. The public use and common use portions of such dwellings are readily accessible to and usable by handicapped persons;

B. All the doors designed to allow passage into and within all premises within such dwellings are sufficiently wide to allow passage by handicapped persons in wheelchairs; and

C. All premises within such dwellings contain the following features of adaptive design:

i. An accessible route into and through the dwelling;

ii. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;

iii. Reinforcements in bathroom walls to allow later installation of grab bars; and

iv. Usable kitchens and bathrooms such that an individual in a wheelchair can maneuver about the space.

d. Compliance with the appropriate requirements of the American National Standard for buildings and facilities providing accessibility and usability for physically handicapped people (commonly cited as "ANSI A117.1")

suffices to satisfy the requirements of Code of Ordinances section 8:2013(a)(6)c.3.C.

e. For purposes of paragraph (6), the term "covered multifamily dwellings" means buildings consisting of four (4) or more units if such buildings have one (1) or more elevators, and ground floor units in other buildings consisting of four (4) or more units.

(b) Nothing in this section shall be construed to invalidate or limit any law of this state or a political subdivision of this state that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this section.

(c) Nothing in this section requires that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

Section 8:2014. Residential real estate related transaction.

(a) It is unlawful for any person or other entity whose business includes engaging in residential real estate related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of such a transaction, because of race, color, religion, sex, handicap, familial status, or national origin.

(b) As used in this section, the term "residential real estate related transaction" means any of the following:

(1) The making or purchasing of loans or providing other financial assistance:

a. For purchasing, constructing, improving, repairing, or maintaining a dwelling.

b. Secured by residential real estate.

(2) The selling, brokering, or appraising of residential real property.

(c) Nothing in this chapter prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, handicap, or familial status.

Section 8:2015. Brokerage services.

It is unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, sex, handicap, familial status, or national origin.

Section 8:2016. Interference, coercion, or intimidation.

It is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by this chapter.

Division 4. Complaint, Investigation, and Administrative Action

Section 8:2017. Complaint.

(a) The office of community development shall investigate alleged discriminatory housing practices.

(b) A complaint must be:

(1) In writing;

(2) Under oath; and

(3) In the form prescribed by the office of community development.

(c) An aggrieved person may, not later than one (1) year after an alleged discriminatory housing practice has occurred or terminated, whichever is later, file a complaint with the office of community development alleging the discriminatory housing practice.

(d) Not later than one (1) year after an alleged discriminatory housing practice has occurred or terminated, whichever is later, the office of community development may file its own complaint.

(e) A complaint may be may be reasonably and fairly amended at any time prior to the swearing of witnesses for a hearing held under this chapter.

(f) Upon the filing of a complaint, the office of community development shall issue a written notice to the complainant and the aggrieved person if different from the complainant:

(1) Advising that the complaint has been filed, and the date the complaint was accepted for filing;

(2) Including a copy of the complaint;

(3) Advising of the time limits applicable to the complaint and of all procedural rights and obligations of the aggrieved person under this chapter;

- (4) Advising of the aggrieved person's right to commence a civil action as provided by federal and state laws and the time period which such action may be filed; and
 - (5) Advising that retaliation against any person who files a complaint or assists or otherwise participates in the investigation of a complaint is a discriminatory housing practice.
- (g) Not later than the tenth day after a complaint is filed, the office of community development shall issue a written notice to each respondent, by certified mail or personal service:
- (1) Advising the date the complaint was accepted for filing;
 - (2) Identifying the alleged discriminatory housing practice;
 - (3) Including a copy of the complaint;
 - (4) Advising of the time limits applicable to complaint processing and of all procedural rights and obligations of the respondent under this chapter, including the right to submit an answer to the complaint within ten (10) days after receipt of the notice;
 - (5) Advising of the aggrieved person's right to commence a civil action as provided by federal law and the time period within which such action may be filed;
 - (6) Advising why the respondent has been joined to the complaint if the respondent is not specifically named in the complaint; and
 - (7) Advising that retaliation against any person who files a complaint or assists or otherwise participates in the

investigation of a complaint is a discriminatory housing practice.

(h) The office of community development shall commence proceedings with respect to the complaint before the end of the thirtieth day after receipt of the complaint.

Section 8:2018. Answer.

(a) Not later than the tenth day after receipt of the notice and copy under section 8:2017(f)(3), complaint, a respondent may file an answer to the complaint.

(b) An answer must be:

(1) In writing;

(2) Under oath; and

(3) In the form prescribed by the office of community development.

(c) An answer may be reasonably and fairly amended at any time prior to the swearing of witnesses for a hearing held under this chapter.

(d) An answer does not inhibit the investigation of a complaint.

Section 8:2019. Investigation.

(a) If the state or federal government has referred a complaint to the city-parish or has deferred jurisdiction over the subject matter of the complaint to the city-parish, the office of community development shall promptly investigate the allegations set forth in the complaint.

(b) The office of community development shall investigate all complaints, and except as provided by subsection (c), shall complete an investigation no later than the one hundredth day

after the date the complaint is filed, or if it is unable to complete the investigation within the one hundred-day period, shall dispose of all administrative proceedings related to the investigation not later than one (1) year after the date the complaint is filed.

- (c) If the office of community development is unable to complete an investigation within the time periods prescribed by subsection (b), the office of community development shall notify the complainant and the respondent in writing of the reasons for the delay.

Section 8:2020. Additional or substitute respondent.

- (a) The office of community development may join a person not named in the complaint as an additional or substitute respondent if in the course of the investigation the office of community development determines that the person should be accused of a discriminatory housing practice.
- (b) In addition to the information required in the notice under section 8:2017(g), complaint, the office of community development shall include in a notice to a respondent joined under this section an explanation of the basis for the determination that the person is properly joined as a respondent.

Section 8:2021. Conciliation.

- (a) The office of community development shall, during the period beginning with the filing of a complaint and ending with the filing of a charge or a dismissal by the office of community development, to the extent feasible, engage in conciliation with respect to the complaint.

- (b) A conciliation agreement is a written agreement between a respondent and the complainant and is subject to office of community development approval.
- (c) A conciliation agreement may provide for binding arbitration or other method of dispute resolution. Dispute resolution that results from a conciliation agreement may authorize appropriate relief, including monetary relief.
- (d) A conciliation agreement shall be made public unless the complainant and respondent agree otherwise, and the office of community development determines that disclosure is not necessary to further the purposes of this chapter, subject to review by the office of the parish attorney regarding applicability of The Louisiana Public Records Law, R.S. 44:1, et seq.).
- (e) Nothing said or done in the course of conciliation may be made public or used as evidence in a subsequent proceeding under this chapter without the written consent of the persons concerned.
- (f) After completion of the office of community development's investigation, the office of community development shall make available to the aggrieved person and the respondent, at any time, information derived from the investigation and the final investigation report related to the investigation.

Section 8:2022. Temporary or preliminary relief.

If the office of community development concludes at any time following the filing of a complaint that prompt judicial action is necessary to carry out the purposes of this chapter, the office of community development may request a civil action for appropriate

temporary or preliminary relief pending final disposition of the complaint. The office of community development may direct the request for civil action to the civil rights division of the state department of justice, or to the department of housing and urban development for review and determination of the suitability of prompt judicial action.

If a civil action is filed by a state or federal enforcement agency under this section, the office of community development shall defer to the prosecuting authority as to whether to initiate or continue an administrative proceeding under section 8:2030, administrative hearing.

Section 8:2023. Investigative report.

- (a) The office of community development shall prepare a final investigative report showing:
- (1) The names and dates of contacts with witnesses;
 - (2) A summary of correspondence and other contacts with the aggrieved person and the respondent showing the dates of the correspondence and contacts;
 - (3) A summary description of other pertinent records;
 - (4) A summary of witness statements; and
 - (5) Answers to interrogatories.
- (b) A final report under this section may be amended if additional evidence is discovered.

Section 8:2024. Reasonable cause determination.

- (a) The office of community development shall determine based on the facts whether reasonable cause exists to believe that a discriminatory housing practice occurred or is about to occur.
- (b) The office of community development shall make the determination under subsection (a) not later than the one hundredth day after the date a complaint is filed unless:
- (1) It is impracticable to make the determination; or
 - (2) The office of community development has approved a conciliation agreement relating to the complaint.
- (c) If it is impracticable to make the determination within the time period provided by subsection (b) of this section, the office of community development shall notify the complainant and respondent in writing of the reasons for the delay.

- (d) If the office of community development determines that reasonable cause exists to believe that a discriminatory housing practice occurred or is about to occur, the office of community development shall, except as provided by section 8:2027, dismissal, immediately issue a charge on behalf of the aggrieved person.

Section 8:2025. Charge.

- (a) A charge issued under section 8:2024, reasonable cause determination:

- (1) Must consist of a short and plain statement of the facts on which the office of community development has found reasonable cause to believe that a discriminatory housing practice occurred or is about to occur. The allegations of facts shall be simple, concise, and direct, and shall be set forth in numbered paragraphs, and to the extent practical, the contents of each paragraph shall be limited to a single set of circumstances;

- (2) Must be based on the final investigative report; and

- (3) Need not be limited to the facts or grounds alleged in the complaint.

- (b) Not later than the twentieth day after the office of community development issues a charge, the commission shall send a copy of the charge with information concerning the election under section 8:2029, election of judicial determination, of this chapter to:

- (1) Each respondent, together with a notice of the opportunity for a hearing provided by section 8:2030, administrative hearing; and

(2) Each aggrieved person on whose behalf the complaint was filed.

Section 8:2026. Land use law.

If the office of community development determines that the matter involves the- legality of a state or local zoning or other land use law or ordinance, the office of community development may not issue a charge and shall immediately refer the matter to the parish attorney's office for appropriate action.

Section 8:2027. Dismissal.

(a) If the office of community development determines that no reasonable cause exists to believe that a discriminatory housing practice occurred or is about to occur, the office of community development shall:

(1) Issue a short and plain written statement of the facts explaining the determination of no reasonable cause; and

(2) Dismiss the complaint and promptly notify the aggrieved person and the respondent of the dismissal, including the written statement of facts.

(b) The office of community development may make public disclosure of each dismissal under this section. The aggrieved person and the respondent may request that no public disclosure be made, but the fact of dismissal, including the names of the parties, but not the statement of facts, shall be available to the public upon request.

Section 8:2028. Pending civil trial.

The office of community development may not issue a charge under this section regarding an alleged discriminatory housing practice after the beginning of the trial of a civil action

commenced by the aggrieved party under federal or state law or after the swearing of witnesses in a hearing held under this chapter seeking relief with respect to that discriminatory housing practice.

Section 8:2029. Election of judicial determination.

Nothing in this chapter shall be seen as preventing any aggrieved person from filing suit under state or federal antidiscrimination laws, regardless of the findings of the office of community development. Upon the issuance of a charge by the office of community development, the aggrieved person may request that the charge and associated records be forwarded to the civil rights division of the state department of justice, or to the department of housing and urban development for review and determination of the suitability of judicial action.

Section 8:2030. Administrative hearing.

(a) Where a charge has been issued by the office of community development, the complainant, respondent, or an aggrieved person on whose behalf the complaint was filed may request that the office of community development provide for a hearing on the charge. A hearing under this section shall be conducted by the city-parish administrative hearing officer for violation of building codes pursuant to R.S. § 13:2575.

(b) Appeals of orders from any ruling or order of the city-parish administrative hearing officer shall be taken pursuant to R.S. 13:2575 (H) .

(c) A hearing under this section may not continue on an alleged discriminatory housing practice after the beginning of the trial of a civil action commenced by the aggrieved person, or

a state or federal enforcement agency seeking to enforce substantially similar antidiscrimination statutes with respect to that discriminatory housing practice.

(d) The city-parish will be represented by the parish attorney, or her designee, in any proceeding regarding enforcement of this chapter before the city-parish administrative hearing officer.

(e) The hearing officer shall issue an order within thirty (30) days, excluding legal holidays, of the hearing stating whether or not the person charged is liable for the violation, the factual findings of the hearing officer, and the amount of any fine, penalty, costs, or fee assessed against him, and a date by which the violation shall be corrected.

Section 8:2031. Administrative penalties.

In accordance with R.S. § 13:2575, the administrative hearing officer may:

(1) Issue orders compelling the attendance of witnesses and defendants and the production of documents.

(2) Levy fines, fees, penalties, and hearing costs, the maximum of which shall not exceed those established for the parish or municipal courts.

(3) Order violators to correct violations within a stipulated time.

(4) Take necessary and lawful measures to effect correction of the violation if the violator fails to do so within the time allocated by the hearing officer.

(5) Record orders, judgments, notices of judgments, or liens in the mortgage office of the parish in which the immovable

property, or any portion thereof, in or on which the violation occurred is situated.

(6) Orders, judgments, notices of judgments, or liens recorded by, or by order of, the administrative hearing officer after a determination of discrimination, shall create a lien or privilege against the immovable property in or on which the violation occurred, under the terms and limitations provided by R.S. § 13:2575(C).

(7) In addition to the enforcement procedure and authority set forth in R.S. § 13:2575(B), or this section, any order assessing a fine, penalty, costs, or fee or stipulating a correction date may be enforced by the city or municipal court of the municipality or the parish court in whose jurisdiction the municipality is located, or in the parish court of the parish initiating the action.

(8) Any sale, encumbrance, or rental consummated prior to the issuance of any administrative order issued pursuant to this chapter and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or charge under the provisions of this chapter shall not be affected.

Section 8:2032. Licensed or regulated businesses.

If the administrative hearing officer finds that a discriminatory housing practice has occurred in the course of a business subject to a licensing or regulation by a governmental agency, the office of community development shall send copies of the findings and orders to the governmental agency, no later than the 30 days after the date of the issuance of the order.

Section 8:2033. Order in preceding five years.

If the administrative hearing officer finds that a discriminatory housing practice has been engaged in by a respondent against whom another administrative order and finding of discriminatory housing practices was issued within the preceding five years, the office of community development shall send copies of the findings and orders to civil rights division of the state department of justice, no later than the thirty (30) days after the date of the issuance of the order."

Section 2. This ordinance shall be effective immediately following adoption by the Metropolitan Council.

Section 3. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

Section 4. All ordinances or parts of ordinances in conflict are hereby repealed.