

CHAPTER 5

BUILDING AND CONSTRUCTION REGULATIONS

- Sub-Chapter A -- Flood Damage Prevention Regulations
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Sub-Chapter A

Flood Damage Prevention Regulations

Part I--Statutory Authorization, Findings of Fact, Purpose and Methods

SECTION 5:1. STATUTORY AUTHORIZATION

The Legislature of the State of Louisiana has in R.S. 33:1236, delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Lafourche Parish Council, Parish of Lafourche, State of Louisiana, does hereby ordain the regulations set out in this Sub-Chapter. (Ord. No. 1748, 3/11/87; 3178, 8/12/03)

Comment--Ordinance No. 1748 superseded at least three earlier ordinances that provided regulations for construction and development in flood proned areas. These included Ord. No. 1551 (2/28/85), Ord. No. 1152 (12/19/74) and Ord. No.1208 (1/11/78). Additionally, Ord. No. 1208 was amended several times, once by Ord. No. 1210 (2/8/78); again by Ord. No. 1223 (4/27/78); and again by Ord. No. 1256 (3/14/79). Ord. No. 3178 reenacted these regulations with changes.

SECTION 5:2. FINDINGS OF FACT

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

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

(Ord. No. 1748, 3/11/87)

SECTION 5:3. STATEMENT OF PURPOSE

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

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

(Ord. No. 1748, 3/11/87)

SECTION 5:4. METHODS OF REDUCING FLOOD LOSSES

- A. In order to accomplish its purposes, this Sub-Chapter uses the following methods:
1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
 2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 3. Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
 4. Control filling, grading, dredging and other developments which may increase flood damage;
 5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(Ord. No. 1748, 3/11/87)

Part II--Definitions

SECTION 5:5. BUILDING AND CONSTRUCTION REGULATIONS, FLOOD PRONED AREAS, DEFINITIONS

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

Accessory Structures –

- a) Accessory structure (or Garage), the size of which is not greater than 600 square feet:
- b) Accessory structures of six hundred (600) square feet or less are to be placed in the floodplain, the following criteria shall be met:
 - 1. Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas).
 - 2. Accessory structures shall be designed to have low flood damage potential and all parts of the structure below the Base Flood Elevation (if not insured) and one foot above (if insured) must be made of FEMA-approved flood resistant materials.

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

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

Area of Shallow Flooding - means designated AO, AH, or VO Zones on a community's Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one to three feet (1' - 3') where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard - is the land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO or VI-30, VE or V.

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

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

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

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

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

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

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

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

Existing Manufactured Home Park or Subdivision – means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

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

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

1. the overflow of inland or tidal waters;
2. the unusual or rapid accumulation of runoff of surface waters from any source.

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

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

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

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

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

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

Flood Proofing - means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway (Regulatory Floodway) - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

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

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

Historic Structure - means any structure that is:

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

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

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

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

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

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

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

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

New Manufactured Home Park or Subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

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

Recreational Vehicles – means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

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

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

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

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

Substantial Improvement - means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or
2. Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

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

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

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

(Ord. No. 1748, 3/11/87; 3178, 8/12/03;)

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Part III -- General Provisions

SECTION 5:6. LANDS TO WHICH THIS SUB-CHAPTER APPLIES

This Sub-Chapter shall apply to all areas within the jurisdiction of Lafourche Parish. (Ord. No. 1748, 3/11/87; 3178, 8/12/03; 3380, 12/29/03)

SECTION 5:7. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

- A. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report titled "The Flood Insurance Study for Lafourche Parish," dated October 17, 1984, with accompanying Flood Insurance Rate Maps (FIRM), and any revision thereto are hereby adopted by reference and declared to be a part of this Sub-Chapter. (Ord. No. 1748, 3/11/87; 3178, 8/12/03; 3380, 12/29/03;)
- B. Lafourche Parish adopted the Hurricane Rita Surge inundation and base flood elevation maps as issued by Fema as the Parish's Official Flood Elevation Reference as they pertain to the unincorporated areas of Lafourche Parish. (Ord. No. 4013, 03-27-07)

SECTION 5:8. ESTABLISHMENT OF DEVELOPMENT PERMIT

A development permit shall be required to ensure conformance with the provisions of this Sub-Chapter. (Ord. No. 1748, 3/11/87)

SECTION 5:9. COMPLIANCE

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Sub-Chapter and other applicable regulations. If the Parish Inspector finds a site in non-compliance with no on-site parish permit displayed, the Parish Inspector shall have the authority to immediately issue a cease and desist work order for the violation (Exhibit "A"). Failure to comply with all parish regulations may result in the parish pursuing a legal remedy. (Ord. No. 1748, 3/11/87; Ord. No. 4042, 04-24-07)

SECTION 5:10. ABROGATION AND GREATER RESTRICTIONS

This Sub-Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Sub-Chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. No. 1748, 3/11/87; 3178, 8/12/03)

SECTION 5:11. INTERPRETATION

In the interpretation and application of this Sub-Chapter, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. No. 1748, 3/11/87)

SECTION 5:12. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this Sub-Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Sub-Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Sub-Chapter shall not create liability on the part of the community or any officer or employee thereof for any flood damages that result from reliance on this Sub-Chapter or any administrative decision lawfully made thereunder. (Ord. No. 1748, 3/11/87; 3178, 8/12/03)

Part IV-- Administration

SECTION 5:13. DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The Permit Coordinator is hereby appointed the Floodplain Administrator to administer and implement the provisions of this Sub-Chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to flood plain management. (Ord. No. 1748, 3/11/87; 3178, 8/12/03)

SECTION 5:14. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

The duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

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

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8. When base flood elevation data has not been provided in accordance with Section 5:7, the Flood Plain Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer the provisions of Part V of this Sub-Chapter;

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

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

(Ord. No. 1748, 3/11/87; 3178, 8/12/03)

SECTION 5:15. PERMIT PROCEDURES

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

1. Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
2. Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
3. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 5:18, Sub-Paragraph 2 of this Code;
4. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
5. Maintain a record of all such information in accordance with Section 5:14, Sub-Paragraph (1) of this Code.

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

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

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

(Ord. No. 1748, 3/11/87; 3178, 8/12/03)

SECTION 5:16. VARIANCE PROCEDURES

A. The Appeal Board, as established by the Lafourche Parish Council, shall hear and render judgment on requests for variances from the requirements of this Sub-Chapter.

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

C. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.

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

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

F. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 5:15-B of this Sub-Chapter have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

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

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

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

J. *Prerequisites for Granting Variances:*

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

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

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

K. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (1) the criteria outlined in Section 5:16, Paragraphs A through I, are met, and (2) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ord. No.1748, 3/11/87; 3178, 8/12/03)

Part V--Provisions for Flood Hazard Reduction

SECTION 5:17. GENERAL STANDARDS

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

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
6. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. No. 1748, 3/11/87; 3178, 8/12/03)

SECTION 5:18. SPECIFIC STANDARDS

A. In all areas of special flood hazards where base elevation data has been provided as set forth in (1) Section 5:7, (2) Section 5:14, Sub-Paragraph 8, or (3) Section 5:19, Paragraph D, the following provisions are required:

1. *Residential Construction*- new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Flood Plain Administrator that the standard of this Sub-section as proposed in Section 5:15(A-1) is satisfied.
2. *Nonresidential Construction*- new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or, together with attendant

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utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this Sub-section. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.

3. *Enclosures*- new construction and substantial improvement, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- a. A minimum of two (2) openings, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
- b. The bottom of all openings shall be no higher than one foot (1') above grade.
- c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

4. *Manufactured Homes*.

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

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

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

1. the lowest floor of the manufactured home is at or above the base flood elevation, or
 2. the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
5. Recreational Vehicles – Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the Community's FIRM either:
- a. be on the site for fewer than 180 consecutive days,
 - b. be fully licensed and ready for highway use, or
 - c. meet the permit requirements of Article 4, Section C(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
6. Accessory Structures –
- a. Accessory structure (or Garage), the size of which is not greater than 600 square feet:
 - b. Accessory structures of six hundred (600) square feet or less are to be placed in the floodplain, the following criteria shall be met:
 1. Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas).
 2. Accessory structures shall be designed to have low flood damage potential and all parts of the structure below the Base Flood Elevation (if not insured) and one foot above (if insured) must be made of FEMA-approved flood resistant materials.

(Ord. No. 1748, 3/11/87; 3178 8/12/03)

SECTION 5:19. STANDARDS FOR SUBDIVISION PROPOSALS

A. All subdivision proposals including manufactured home parks and subdivisions shall be consistent with Sections 5:2, 5:3 and 5:4 of this Sub-Chapter.

B. All proposals for the development of subdivisions including manufactured home parks and subdivisions shall meet Development Permit requirements of Section 5:8 and 5:15 and the provisions of Part V of this Sub-Chapter.

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C. Base flood elevation data shall be generated for subdivision proposals and other proposed development including manufactured home parks and subdivisions which are greater than fifty (50) lots or five (5) acres, whichever is less, if not otherwise provided pursuant to Part III or Sub-Paragraph 7 of Section 5:14 of this Sub-Chapter.

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

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

(Ord. No. 1748, 3/11/87)

**SECTION 5:20. STANDARDS FOR AREAS OF SHALLOW FLOODING
(AO/AH ZONES)**

A. Located within the areas of special flood hazard established in Section 5:7 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

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

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

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

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

3. A registered professional engineer or architect shall submit a certification to the Flood Plain Administrator that the standards of this Section, as proposed in Section 5:15 (A-1) are satisfied.

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

(Ord. No. 1748, 3/11/87)

SECTIONS 5:21-5:98. RESERVED

Sub-Chapter B

Part I LAFOURCHE PARISH BUILDING CODE ESTABLISHED

5:99 Uniform Construction Code Adopted - Effective January 1, 2007, pursuant to LA R.S. 40:1730.21 et seq., there is hereby adopted, for the purpose of regulating the construction, alterations, repair, equipment, use and occupancy and maintenance of every building or structure or any appurtenance connected or attached to such buildings or structures, excluding farm structures and recreational camps, the Louisiana State Uniform Construction Code. The Louisiana State Uniform Construction Code is incorporated as fully as if set out at length therein and shall be controlling within the boundaries of the Parish of Lafourche. The Louisiana State Uniform Construction Code shall consist of the following:

- A.** International Building Code, 2006 Edition, not including Chapter 1 – Administration, Chapter 11 – Accessibility, Chapter 27 – Electrical and Chapter 29 – Plumbing Systems. The applicable standards referenced in that code are included for regulations of construction within this state.
- B.** International Existing Building Code 2006 Edition, not including Chapter 1 – Administration, and the standards referenced in that code for regulations of construction within this state.
- C.** International Residential Code, 2006 Edition, not including Parts I – Administrative, V – Mechanical, VII – Plumbing and VIII – Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. Appendix J. Existing Buildings and Structures, is also included for mandatory regulation. For the purposes of this Part, IRC R301.2.1.1 (Design Criteria) shall be amended as follows and shall only apply to the International Residential Code, 2006 edition.
 - 1.** Amendment of R301.2.1.1 (Design Criteria)
 - 2.** Item 6, The American Concrete Institute, Guide to Concrete Masonry Residential Construction in High Winds Areas, shall be added.
 - 3.** Item 7, Institute for Business & Home Safety, Optional Code-plus Fortified for Safer Living, shall be added
 - 4.** Item 8, Federal Alliance for Safe Homes, Optional Code-plus Blueprint for Safety, shall be added.
- D.** International Mechanical Code, 2006 Edition, and the standards referenced in that code for regulation of construction within this state.
- E.** The Louisiana State Plumbing Code (Part XIV (Plumbing) of the State Sanitary Code) as amended by the state health officer acting through the office of public health of the Department of Health and Hospitals. Nothing in this Part shall be construed so as to prevent the state health officer for enforcing Part XIV (Plumbing) of the State Sanitary Code, the enforcement of which is his statutory and regulatory responsibility.
- F.** International Fuel Gas Code, 2006 Edition, and the standards referenced in that code for regulation of construction within this state.
- G.** National Electrical Code, 2005 Edition

§ 5:100

In lieu of an interpretation of zones, wind provisions shall be applied in two zones within Lafourche Parish. The northern zone shall comply with the 130-140 mile per hour requirements with the northern zone comprising locations north of the southern end of the Larose to Golden

Meadow flood gates and including areas north of the intersection of Bayou Pointe Aux Chenes and the Cut Off Canal. The southern zone shall comply with the 150 mile per hour requirements with the southern zone comprising locations south of the southern end of the Larose to Golden Meadow flood gates and areas south of the intersection of Bayou Pointe Aux Chenes and the Cut Off Canal.

The above mentioned line shall be adjusted with the initiation of the construction in Lafourche Parish of connecting comprehensive hurricane protection levees into Terrebonne and St Charles Parishes.

(Ord. No. 3998, 02/13/07)

Part II Permits, Plan Review and Fee Schedules

SECTION 5:100. Permit Fee Collection and Accounting

A. **Prescribed Fees.** A building permit shall not be issued nor application for inspection (filing) accepted until the fees have been paid or variances made or approved by the governing authority. Fees prescribed in Section 108 and detailed in the approved Fee Schedule shall apply toward compliance with the International Building Code. Fees prescribed in Section 121 shall apply toward right of way reviews not related to the International Building Codes and Cooperative Endeavor Agreements approved with South Central Planning and Development and the South Central Regional Code Council.

Waivers: Section 121 fees shall be waived when they are submitted in connection with a paid Building Code permit prescribed in Section 108

B. **Fee Collection.** The Permit Manager shall collect all fees for permits, filings, and appeals, and shall give receipts for same. Such fees shall be deposited as directed by and with the Finance Department or other official designated by the Governing Authority of the Parish of Lafourche.

C. **Accounting.** The Permit Manager shall keep a permanent and accurate accounting of all permits, licensing, filing fees and all other monies collected, the location of the building or premises to which they relate, along with the date and amount thereof, and, if applicable, names of all persons upon whose account same was paid.

D. **Independent Third Party Use.** While provisions and fees assume that residents and property owners utilize parish inspectors and/or inspectors designated by the Lafourche Parish Government, residents and property owners may choose to retain independent certified plan reviewers and inspectors approved by the state through the Louisiana Department of Public Safety (the Louisiana Fire Marshall) or others designated by the State of Louisiana. The Lafourche Parish permit office shall review and determine qualification of independent third party inspectors by discipline prior to the issuance of the development permit. Once qualifications are determined, the parish shall accept these qualifications through the completion of the project. These grandfathering provisions are particularly noted to encompass qualifications established and effective January 1, 2007.

§ 5:101.4

To opt out of parish plan review and inspection processes, a resident or property owner may contract directly or through a licensed contractor to retain certified plan reviewers and/or building inspectors. A copy of the certified third party agreement is required to waive the plan review and inspection portion of the fees.

E. Registration of Independent Third Party Inspectors and Plan Reviewers. In order to determine qualifications and certifications, Independent Third Party Inspectors and Plan Reviewers shall be required to register with the Lafourche Parish Permit Office. Effective July 15, registration shall be required in order for permit office officials to accept said inspectors and plan reviewers for enforcement of Lafourche's Building Code Ordinance (5:99 et seq.). Inspectors and plan reviewers shall present for review by the permit Manager official documentation reflecting certification and other qualifications by discipline in accordance with the Louisiana Department of Public Safety (the Louisiana Fire Marshall) or others designated by the State of Louisiana.

An annual fifty dollar (\$50) fee shall be collected for each inspector or plan reviewer regardless of how many inspections/review disciplines the individual may hold. It shall be the responsibility of each individual to update and advise the permit office of any changes or additional certifications acquired after registration. There shall be no additional charges to record added certifications or qualifications, however registrants shall return annually (between July 1 and July 15 of each year) to update and recertify qualifications as well as to pay the annual fee. Failure to update and recertify shall cause their name to be removed from the list of qualified inspectors and reviewers for purposes of issuing new permits. (See Part D above)

In association with Section 5:104.11.2, each registrant along with South Central Planning Inspectors shall list types of testing that they may later require as evidence of compliance. This advance listing shall be made available to applicants in order place them on notice of potential additional costs related to the plan review and inspection process.

(Ord. No. 3790, 04/25/06; 3998, 02/13/07; 4017, 03/27/07; 4074, 06/26/07; 4075, 06/26/07)

Part III ADMINISTRATION

5:101.1 Title. These provisions shall be known as the construction code of Lafourche Parish, and will be referred to herein as "this code or the code."

5:101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

5:101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted herein or made a part of.

5:101.3 Purpose. The purpose of this code is to provide minimum requirements to safeguard the public health, safety and general welfare through, structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from hazards attributed to the built environment.

5:101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.8 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

§ 5:102.1

5:101.4.1 Building. The provisions of the 2006 edition of the *International Building Code*, excluding Chapter 27-Electrical and Chapter 29-Plumbing Systems and including only Appendix Chapters C, “Group U—Agricultural Buildings;” Appendix D, “Fire Districts;” Appendix E, “Supplementary Accessibility Requirements;” Appendix F, “Rodent Proofing;” Appendix G, “Flood Resistant Construction;” Appendix H, “Signs;” Appendix I, “Patio Covers;” and Appendix J, “Grading,” is hereby adopted as the Building Code of [NAME OF JURISDICTION], for the purpose of regulating and governing the conditions and maintenance of all property, buildings, and structures in Lafourche Parish.

5:101.4.2 Electrical. The provisions of the *National Electrical Code* shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

5:101.4.3 Gas. The provisions of the *International Fuel Gas Code* shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

5:101.4.4 Mechanical. The provisions of the *International Mechanical Code* shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

5:101.4.5 Plumbing. The provisions of the 2000 edition of the *Louisiana State Plumbing Code*, published by the Department of Health and Hospital shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of said code shall apply to private sewage disposal systems.

5:101.4.6 Property maintenance. The provisions of the *International Property Maintenance Code* shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

5:101.4.7 Fire prevention. The provisions of the *Louisiana State Uniform Fire Prevention Code* shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

5:101.4.8 Energy. The provisions of the *International Energy Conservation Code* shall apply to all matters governing the design and construction of buildings for energy efficiency.

(Ord. Nos. 3790, 04/25/06; 3998, 02/13/07; 4017, 03/27/07)

Part IV APPLICABILITY

5:102.1 General. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

§ 5:103.3

5:102.2 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

5:102.3 Application of references. References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

5:102.4 Referenced codes and standards. The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

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

5:102.5 Partial invalidity. In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

5:102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the *International Property Maintenance Code* or the *Louisiana State Uniform Fire Prevention Code*, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

5:102.6.1 Additions, alterations or repairs. Additions, alterations or repairs to any structure shall conform to the requirements for a new structure without requiring the existing structure to comply with all of the requirements of this code, unless otherwise stated. Additions, alterations or repairs shall not cause an existing structure to become unsafe or adversely affect the performance of the building.

(Ord. Nos. 3790, 04/25/06; 3998, 02/13/07)

Part V DEPARTMENT OF BUILDING SAFETY

5:103.1 Creation of enforcement agency. The South Central Regional Construction Code Council is hereby created and shall be responsible for the overall administration of the South Central Regional Building Code Compliance Program and the official in charge thereof shall be known as the regional building official. Whenever the term "department of building safety" is used in the codes adopted in this chapter, it shall mean the South Central Regional Construction Code Council.

5:103.2 Appointment. The regional building official shall be appointed by the chief appointing authority of the jurisdiction.

5:103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the regional building official shall have the authority to appoint a deputy regional building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the regional building official.

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5:103.4 Purpose. The purpose of the South Central Planning Regional Building Code Compliance Program is to provide guidance and technical services to the Lafourche Parish Planning and Permit Office. These services shall include but not be limited to providing plan review and inspections in compliance with Act 12, staffed with a Certified (regional) Building Official, providing technical support, application and interpretation to the Permit Office staff regarding building code provisions, and providing a forum and process for a building code Board of Appeals.

(Ord. Nos. 3998, 02/13/07; 4074, 06/26/07)

Part VI DUTIES AND POWERS OF LOCAL AND REGIONAL BUILDING OFFICIALS

5:104.1 General. With the guidance and assistance of the South Central Regional Building Code Compliance Program, and its Code Council the Parish of Lafourche shall designate a local building official ~~is~~ hereby authorized and directed to enforce the provisions of this code. The administration shall designate the parish's building official from amongst its staff and/or utilize the assistance of the regional building official to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in conformance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

5:104.2 Applications and permits. The local building official or his/her designee 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.

5:104.3 Notices and orders. The local building official or his designee shall issue all necessary notices or orders to ensure compliance with this code.

5:104.4 Inspections. The local building official shall have the authority to make all of the required inspections and/or accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The local building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise. The local building official shall have or be working towards certification as a certified building official in accordance with guidelines and schedules designed by the State Legislature.

5:104.5 Identification. The local or regional building official and independent inspectors or their designees shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

5:104.6 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the local building official, compliance officer, or regional building official (when requested by the local building official) has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the local building official or designee is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the local building official shall first make a reasonable effort to locate the owner or

§ 5:104.11.1

other person having charge or control of the structure or premises and request entry. If entry is refused, the local_building official shall have recourse to the remedies provided by law to secure entry.

5:104.7 Department records. Both the local and regional_building officials shall keep records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such official records shall be retained by the local building official for the period required for the retention of public records.

5:104.8 Liability. The local and regional building official, member of the board of appeals or their employee(s) charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the proceedings. The local and regional building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

5:104.9 Approved materials and equipment. Materials, equipment and devices approved by the local and regional building official shall be constructed and installed in accordance with such approval.

5:104.9.1 Used materials and equipment. The use of used materials which meet the requirements of this code for new materials is permitted.

5:104.10 Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the local and regional_building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special circumstance makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety requirements or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the local jurisdiction.

5:104.11 Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Compliance with the specific performance-based provisions of the *International Codes* in lieu of specific requirements of this code shall also be permitted as an alternate.

5:104.11.1 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.

§ 5:105.2

5:104.11.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

As a pre-cursor to the Plan Review process, both South Central Planning and Development and/or Independent Third Party Inspectors/Plan Reviewers shall present a listing of specific test required to complete the review and inspection process. This listing shall be presented to permit applicants in order to provide them notice of potential additional costs related to the permit process.

(Ord. Nos. 3790, 04/25/06; 3998, 02/13/07; 4074, 06/26/07; 4075, 06/26/07)

Part VII PERMITS

5:105.1 Required. Any owner or 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 done, shall first make application to the building official and obtain the required permit.

If the permit manager or his/her designee determines that an application does not require a permit, the applicant may either proceed without a permit or choose to obtain a "Finding of No Permit Required" (FONPR). This letter shall be drawn and provided to the applicant stating that the application submitted does not require a permit from the Lafourche Parish Permit Office. This letter shall be evidence for the applicant if questioned later by a compliance officer or the Permit Manager when a violation is suspected. To ensure that the project reflects what is actually applied for, a copy of the application shall be kept on file.

Permit sites and FONPR sites shall display in a manner visible from the public road, but protected from the weather a bright colored copy of the permit or the FONPR letter.

5:105.1.1 Annual Maintenance permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefore to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

5:105.1.2 Annual Maintenance permit records. The person or entity to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The local building official shall have access to such records at all times or such records shall be filed with the local and/or regional building official as designated.

5:105.2 Work exempt from permit. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

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Building:

1. One-story detached accessory structures used as tool and storage sheds, playhouses, gazebos, patios, carports, vented garages and similar uses, provided the floor area does not exceed 600 square feet and a roof pitch of 7 on 12 or less. (this exemption is from building code plan review and inspection process and does not exempt applicants from compliance with the building code. A \$50 permit is required for purposes of ensuring compliance with floodplain regulations).
2. 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.
3. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
4. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
5. Temporary motion picture, television and theater stage sets and scenery.
6. Uncovered decks or prefabricated swimming pools that are installed entirely above ground.
7. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional structural support.
10. Nonfixed and movable fixtures, cases, racks, counters and partitions.
11. Replacing and/or repairing doors, windows, siding, and roofing which do not require structural changes.

Electrical:

Repairs and maintenance: A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Minor repair work shall be defined as any work to repair, remove or replace existing electrical systems with a project value of less than \$500 including labor and material. The resident will be responsible for using code approved material.

Install or replacement: A permit shall not be required to install or replace a manufactured appliance utilizing an existing electrical outlet that meets the manufacturers' requirements.

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.

Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

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Gas:

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

Mechanical:

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

Plumbing:

1. The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective that for purposes of complying with the exemption that it is removed or replaced with like or improved new material in accordance with this code and that the project value is less than \$500 including labor and material.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of lavatories and water closets, provided such repairs do not involve or require the rearrangement of valves, pipes or fixtures and the project value is less than \$500 including labor and material.

5:105.2.1 Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within three (3) working business day to the local building official.

5:105.2.2 Repairs. Application or notice to the local 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 of any required means of egress, or rearrangement of

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parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, 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.

5:105.2.3 Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

5:105.3 Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the local jurisdiction for that purpose. Such application shall:

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

5:105.3.1 Action on application. The local and/or regional building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the local and regional building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

5:105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been expired 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the local building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

5:105.4 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 local building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

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5:105.5 Expiration. Permits shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period exceeding 180 days after the time the work is commenced. The local building official or his designee is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

5:105.6 Suspension or revocation. The local building official or his designee is authorized to suspend or revoke a permit issued under the provisions of this code whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

5:105.7 Placement of permit. The building permit or copy thereof shall be kept on the site of the work and remain visible from the road or nearest public property until the completion of the project.

5:105.8 Responsibility. It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code.

(Ord. Nos. 3790, 04/25/06; 3998, 02/13/07; 4017, 03/27/07; 4074, 06/26/07; 4076, 06/26/07)

Part VIII CONSTRUCTION DOCUMENTS

5:106.1 Submittal documents. Construction documents, statement of special inspection and structural observation programs and other data shall be submitted in one or more sets with each permit application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

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

5:106.1.1 Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

5:106.1.1.1 Fire protection system shop drawings. Shop drawings for the fire protection system(s) for commercial buildings shall be submitted to the Louisiana State Fire Marshal's office.

5:106.1.2 Manufacturer's installation instructions. Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.

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5:106.1.3 Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. For commercial/industrial, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

5:106.1.4 Information for construction in flood hazard areas. For buildings and structures located in whole or in part in flood hazard areas as established by the local jurisdiction, construction documents shall include:

1. Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate;
2. The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade; and
3. The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V Zone); and
4. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the building official and the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources.

5:106.1.5 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 which was tested, where applicable, as well as the test procedure used.

5:106.2 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, and distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The local or regional building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

5:106.3 Examination of documents. The local and/or regional building official shall examine or cause to be examined the accompanying construction documents and reviewed plans and shall ascertain by such examination whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

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5:106.3.1 Approval of construction documents. When the local building official issues a permit, the construction documents shall be approved, in writing or by a stamp by a certified plan reviewer, 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 regional building official his duly authorized representative, or a qualified independent third party inspector.

5:106.3.2 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.

5:106.3.3 Phased approval. In coordination with the regional building official or a contracted third party inspector, the local 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.

5:106.3.4 Design professional in responsible charge.

5:106.3.4.1 General. When it is required that documents be prepared by a registered design professional, the local and regional building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The local and/or regional building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

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

5:106.3.4.2 Deferred submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the local and regional building official within a specified period.

Deferral of any submittal items shall have the prior approval of the local and/or regional building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official(s).

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(s) with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the local and/or regional building official.

5:106.4 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.

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5:106.5 Retention of construction documents. One set of approved construction documents shall be retained by the local and/or regional building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

(Ord. No. 3790, 04/25/06; 3998, 02/13/07; 4074, 06/26/07)

Part IX TEMPORARY STRUCTURES AND USES

5:107.1 General. The local 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.

5:107.2 Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

5:107.3 Temporary power. The local building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the *National Electrical Code*.

5:107.4 Termination of approval. The local building official or his designee is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

(Ord. Nos. 3790, 04/25/06; 3998, 02/13/07; 4017, 03/27/07; 4074, 06/26/07)

Part X FEES

5:108.1 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.

5:108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

A building permit shall not be issued, nor shall the application for a building permit be accepted, until the fees prescribed in this section shall have been paid. Nor shall an amendment to a permit application be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure shall have been paid. A certificate of occupancy shall not be issued, nor shall the certificate of occupancy application be accepted, until the fees prescribed in this section shall have been paid.

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

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A. Permit Fees.

New Residential 8 cents per square foot
New Commercial 11 cents per square foot
New Institutional 11 cents per square foot

Residential and Commercial Renovations - Interior or Exterior requiring only one discipline		
Minor under \$2,500	\$25.00	Includes 1 Inspection and then each additional inspection required will cost \$75.00
Minor \$2,501 to \$10,000	\$100.00	Includes 1 Inspection and then each additional inspection required will cost \$75.00
Major \$10,001 and above	\$200.00	Includes 1 Inspection and then each additional inspection required will cost \$75.00

landscaping to follow the same renovation fee schedule + trade permits if applicable
pools to follow the same renovation fee + trade permits if applicable

Trade Permits (license holder is required to be present at inspection)
Plumbing Permit \$125.00 (Includes base fee of \$50.00 and \$75.00 inspection fee) Each additional inspection required will be \$75.00
Electrical Permit \$125.00 (Includes base fee of \$50.00 and \$75.00 inspection fee) Each additional inspection required will be \$75.00
Gas Permit \$125.00 (Includes base fee of \$50.00 and \$75.00 inspection fee) Each additional inspection required will be \$75.00
Mechanical Permit \$125.00

Mobile Homes \$150.00
Change of Occupancy Permit \$100
Certificate of Compliance \$100
Sign Permits \$100
Fireworks Stands, Mardi Gras Viewing Stands and other miscellaneous Permits \$100

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A permit fee of \$50.00 is applied for the construction of the following structures:
Fences and Driveways

The construction of a building, whether commercial, residential, carport, patio cover or other associated outbuilding is strictly prohibited on a public right of way. The construction of a fence, billboard, driveway or swimming pool is strictly prohibited on public right of ways unless it can be shown that they do not interfere with the purpose and maintenance of the right of way. This determination must be made via an application and decision of the permit office.

B. PLAN REVIEW AND INSPECTION FEES (OPTIONAL)

Permits that will require plan review and/or inspections can be completed either through the parish or by hiring an independent third party inspector. The above fee schedule assumes participation with South Central Planning and Development's Regional Plan Review and Inspection Services. The following is a breakdown of the above fee:

NOTE: Parish provided inspection fees will include inspections for each trade stage requiring inspection per table in Section 5:109 - INSPECTIONS.

5:108.3 Building permit valuations. Building permit valuation shall include total value of the work for which a permit is being issued, such as electrical, gas, mechanical, plumbing equipment and other permanent systems, including materials and labor.

5:108.4 Work commencing before permit issuance. Any person who without prior permission from the building official commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the local jurisdiction that may be in addition to the required permit fees.

5:108.5 Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of compliance to the law.

5:108.6 Refunds. The South Central Regional Construction Code Council is authorized to establish a refund policy.

5:108.7 RE-INSPECTION FEES.

1. Each re-inspection shall be \$75.00. The re-inspection fee shall only be charged when a specific inspector is required to make additional trips to the site. When possible, re-inspections should be coordinated with other inspections within the discipline.

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2. Failure to pass successfully the 3rd re-inspection shall prompt the local building official to review the Contractor's license or certificate and/or the issued building permit. Said review may result in the suspension of the Contractor's license or certificate, revocation of the building permit and/or require the builder to hire a licensed contractor to complete the construction.

(Ord. Nos. 3790, 04/26/06; 3998, 02/13/07; 4017, 03/27/07, 4074, 06/26/07; 4099, 07/24/07)

Part XI INSPECTIONS

5:109 General. Construction or work for which a permit is required shall be subject to inspection by the building code official and such construction or work shall remain accessible and exposed for 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 permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the local or regional building official, the parish nor SCPDC shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

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

5:109.1. Foundation inspection. Inspection of the foundation shall be made after poles or piers are set or trenches or basement areas are excavated and any required forms erected and any required reinforcing steel is in place and supported prior to the placing of concrete. The foundation inspection shall include excavations for thickened slabs intended for the support of bearing walls, partitions, structural supports, or equipment and special requirements for wood foundations.

5:109.1.1 Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the sub floor.

5:109.1.2 Plumbing, mechanical, gas and electrical systems inspections. Rough inspection of plumbing, mechanical, gas and electrical systems shall be made prior to covering or concealment, before fixtures or appliances are set or installed, and prior to framing inspection.

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

5:109.1.3 Floodplain inspections. For construction in areas prone to flooding as established by Table R301.2(1), upon placement of the lowest floor, including basement, and prior to further vertical construction, the local building official shall require submission of documentation, prepared and sealed by a registered design professional, of the elevation of the lowest floor, including basement, required in Section R324.

5:109.1.4 Frame and masonry inspection. Inspection of framing and masonry construction shall be made after the roof, masonry, all framing, firestopping, draftstopping and bracing are in place and after the plumbing, mechanical and electrical rough inspections are approved.

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5:109.1.5. Fire-resistance-rated construction inspection. Where fire-resistance-rated construction is required between dwelling units or due to location on property, the regional building official or independent third party inspector shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.

5:109.1.5.1 Reinforced masonry, insulating concrete form (ICF) and conventionally formed concrete wall inspection. Reinforced masonry walls, insulating concrete form (ICF) walls and conventionally formed concrete walls shall be inspected after plumbing, mechanical, and electrical systems embedded within the walls, and reinforcing steel are in place and prior to placement of grout or concrete. Inspection shall verify the correct size, location, spacing, and lapping of reinforcing. For masonry walls, inspection shall also verify that the location of grout cleanouts and size of grout spaces comply with the requirements of this code.

5:109.1.5 Other inspections. In addition to the called inspections above, the local or regional building official or any qualified third party inspectors may make or require any other inspections to ascertain compliance with this code and other laws enforced by the parish.

5:109.1.6 Final inspection. Final inspection shall be made after the permitted work is complete and prior to occupancy.

5:109.1.7 Energy efficiency inspections. Inspections shall be made to determine compliance with Chapter 13 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.

5:109.2 Inspection agencies. The local and/or regional building official and qualified third party inspectors are authorized to accept reports of approved agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

5:109.3 Inspection requests. It shall be the duty of the permit holder or their agent to notify the regional building official or third party inspector that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work.

5:109.4 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the regional building official or third party inspector. The regional building official or third party inspector upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the regional building official or third party inspector.

(Ord. Nos. 3790, 04/25/06; 3998, 02/13/07; 4017, 03/27/07; 4074, 06/26/07)

Part XII CERTIFICATE OF OCCUPANCY

5:110.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy 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 or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid.

Exceptions:

1. Certificates of occupancy are not required for work exempt from permits under Section 105.2.
2. Accessory buildings or structures.

5:110.2 Change in use. Changes in the character or use of an existing structure shall not be made except as specified in Sections 3406 and 3407 of the *International Building Code*.

5:110.3 Certificate issued. After the local or regional building official and/or third party inspector inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the local jurisdiction, the local building official or his designee shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
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 was permitted.
6. The name of the regional building official or third party inspector.
7. The edition of the code under which the permit was issued.
8. The type of construction.
9. The design occupant load.
10. If an automatic sprinkler system is provided, whether or not the sprinkler system is required.
11. Any special stipulations and conditions of the building permit.

5:110.4 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.

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5:110.5 Revocation. The local 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.

(Ord. Nos. 3790, 04/25/06; 3998, 02/13/07; 4074, 06/26/07)

Part XIII SERVICE UTILITIES

5:111.1 Connection of service utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the local building official.

5:111.2 Temporary connection. The local building official shall have the authority to authorize and approve the temporary connection of the building or system to the utility source of energy, fuel or power.

5:111.3 Authority to disconnect service utilities. The local building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards set forth in Section 102.4 in case of emergency where necessary to eliminate an immediate hazard to life or property or when such utility connection has been made without the required approval. The local building official shall notify the serving utility and, whenever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

(Ord. Nos. 3998, 02/13/07; 4074, 06/26/07)

Part XIV BOARD OF APPEALS

5:112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The local and regional building officials shall be an ex officio member of said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the South Central Regional Construction Code Council and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the local building official.

5:112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted there under have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

5:112.3 Qualifications. The board of appeals shall consist of members who are chief elected officials of each participating jurisdiction or their designee.

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5:112.4 Administration. The local or regional building official shall take immediate action in accordance with the decision of the board.

(Ord. Nos. 3998, 02/13/07; 4074, 06/26/07)

Part XV VIOLATIONS

5:113.1 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

5:113.2 Notice of violation. The local 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 detailed statement or a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

5:113.3 Prosecution of violation. If the notice of violation is not complied with in the time prescribed by such notice, the local 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.

5:113.4 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 a penalty of \$1000.00. The full assessment shall be assessed after notice of the violation has been made by the Permit Manager. In as the building code process is relatively new to Lafourche Parish residents, if a violator applies on his/her own without notice of the violation by the Lafourche Parish Government the fee shall be reduced to \$500.00. These penalties shall be in addition to the original required permit fees. But, the payment of such penalty fee(s) shall not relieve any person from fully complying with the requirements of this Code in the execution of the work.

Residents may appeal penalties to voting members of the Lafourche Parish Council. A Councilman may bring the appeal before the council as an agenda item at a regularly scheduled meeting. The Lafourche Parish Council may waive any part or all of the above noted penalties by a majority vote. The Permit Manager shall be notified by the Council Clerk at least one week prior to a scheduled meeting to provide a copy of the record of that permit violation to the clerk for the meeting.

(Ord. Nos. 3998, 02/13/07; 4074, 06/26/07; 4099, 07/24/07)

Part XVI STOP WORK ORDER

5:114.1 Notice to owner. Upon notice from the local or regional building official that work on any building or structure is being prosecuted contrary to the provisions of this code or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent or to the person doing the work and shall state the conditions under which work will be permitted to resume.

5:114.2 Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(Ord. Nos. 3998, 02/13/07; 4074, 06/26/07)

Part XVII UNSAFE STRUCTURES AND EQUIPMENT

5:115.1 Conditions. Structures or existing equipment that are or hereafter become unsafe, unsanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

5:115.2 Record. The local and/or regional 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.

5:115.3 Notice. If an unsafe condition is found, the local building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the local building official acceptance or rejection of the terms of the order.

5:115.4 Method of service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

5:115.5 Restoration. The structure or equipment determined to be unsafe by the local or regional building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of this code.

(Ord. Nos. 3998, 02/13/07; 4074, 06/26/07)

§ 5:199

5:116-5:119. RESERVED

5:120 Right of Way Considerations

The construction of a building, whether commercial, residential, carport, patio cover or other associated outbuilding is strictly prohibited on a public right of way. The construction of a fence, billboard, driveway or swimming pool is strictly prohibited on public right of ways unless it can be shown that they do not interfere with the purpose and maintenance of the right of way. The construction of buried private water lines and natural gas lines are restricted within public right of ways. They must be buried longitudinally along the outer edge of the right of way and crossed perpendicularly to the right of way to minimize interference with the use of the right of way. Should the parish or public utility require the removal or relocation of said water or natural gas line, the cost of removal or relocation shall be borne by the private owner of the line.

(Ord. Nos. 3998, 02/13/07; 4074, 06/26/07)

5:121 Permit for Right of Way Considerations

A permit fee of \$50.00 is applied for the construction of the following structures:

Fences, Billboards, Driveways, and above ground Swimming Pools, Water Line and Natural Gas Lines. Fees and inspections associated with these permits are not related or considered a part of the South Central Regional Building Code Compliance Program.

(Ord. Nos. 3998, 02/13/07; 4074, 06/26/07)

SECTIONS 5:122-5:199. RESERVED

Sub-Chapter C

Derelict Buildings and Structures

SECTION 5:200. POLICY

The provisions contained in this Sub-Chapter are established to protect the health, safety and welfare of the general public from derelict buildings and structures. To that end, the Lafourche Parish Council shall have the authority to repair or condemn buildings, dwellings and other structures that have become derelict and present a danger to the health and welfare of residents of the unincorporated areas of the parish upon adequate notice to the owner.

SECTION 5:201. JURISDICTION

The provisions of this Sub-Chapter shall apply to all property located in the unincorporated areas of the Parish.

SECTION 5:202. DEFINITIONS

The phrase “derelict and presents a danger to the health and welfare” as used in this Sub-Chapter shall include, but not be limited to, buildings or structures which have any of the following characteristics:

1. Are uninhabited;
2. Are structurally unsafe;
3. Are not provided with adequate egress;
4. Constitute a fire hazard;
5. Are otherwise dangerous to human life; or
6. By way of existing use or condition, constitute a hazard to public safety, health or welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard or abandonment.

SECTION 5:203. INSPECTION

A. Upon receipt by the Solid Waste Department of information that a building, dwelling or other structure has become derelict and presents a danger to the health and welfare of the residents of the Parish, an inspection shall be conducted and a report in writing shall be prepared. The report shall be made to the Parish President, and shall contain findings and recommendations in regard to the repair, demolition or removal of the structure.

§ 5:203

B. If the inspection reveals an imminent danger of collapse of the building or other immediate danger to public health and safety, the Solid Waste Department shall arrange for barricades or otherwise deny access to the premises by the occupants and the public, and the Parish Attorney will be asked to obtain a court order allowing the Parish to remove the threatening structure.

C. If the report indicates that the building, dwelling or other structures is derelict and presents a danger to the health and welfare of the residents of the Parish, but poses no imminent danger, notice shall be served upon the owner of the property in accordance with the provisions of this Sub-Chapter.

(Ord. No. 2559, 10/14/94; amended by Ord. No. 3425, 5/11/04)

SECTION 5:204. NOTICE REQUIREMENTS

A. Notice to the owner shall be deemed satisfied when:

1. Notice is served upon the owner in the same manner as service of citation or other process, whether made by the sheriff, deputy sheriff, constable or other duly authorized building inspector of the Parish.

2. Notice is served by registered or certified mail, return receipt requested, sent to the owner at his actual address or last known address listed on the tax rolls of the Parish.

3. Notice is served in the same manner as service of citation or other process upon any mortgagee or other person who may have a vested or contingent interest in the premises as indicated in the mortgage or other public records of the Parish, if the owner is absent or unable to be served in accordance with (1) or (2) above.

4. Notice is made by publication once a week for two (2) weeks consecutively in the Official Journal, if the owner is absent or unable to be served in accordance with (1), (2) or (3) above.

B. The requirements for notice to the owner shall not apply when the building, dwelling or other structure or any part or parts thereof are in imminent danger of collapse and constitute a menace to public safety.

SECTION 5:205. ABATEMENT

A. The owners of building, dwelling or other structures that have become derelict shall have a period of thirty (30) days after receipt of notice in which to restore the building, dwelling or other structure to a safe condition, with such restoration to begin no more than ten (10) days after receipt of the notice.

B. If no restoration has begun within the ten-day period outline above, the Solid Waste Department shall request the Parish Attorney, an assistant parish attorney or special legal counsel to obtain a court order ordering the owner of the property to comply with the abatement order, or seek the court's permission to allow the Parish or its agents to bring the premises into safe conditions at the owner's expense. Alternatively, the Parish may seek the court's permission to demolish and remove the building, dwelling or other structure with funding derived from the General Fund.

(Ord. No 2559, 10/14/97, amended by Ord. No. 3025, 11/25/03; 3425, 5/11/04)

SECTION 5:206. PAYMENT AND COLLECTION OF ENFORCEMENT EXPENSES OF PARISH

A. The Parish shall furnish the owner a written invoice showing the costs and expenses incurred in the enforcement of this Sub-Chapter. Costs and expenses shall include, but not be limited to, the costs of repair or the costs of demolition and removal, attorney's fees, court costs, all administrative costs incurred in the investigation of the violation, verification of ownership and all other expenses incurred in the administration of this article.

B. The failure of the owner to pay for the charges incurred within thirty (30) days after invoicing by the Parish shall result in the filing of the certified copy of such charges with the recorder of mortgages, and the same when so filed and recorded shall operate as a lien and privilege in favor of the parish against the property.

C. Legal proceedings to enforce the lien and/or collect the charges may be filed in any court of competent jurisdiction.

D. Upon collection of the charges, the funds shall be credited to the general fund of the Parish government.

SECTION 5:207. VIOLATIONS, PENALTY

If any person, firm or corporation violates any provisions of this Sub-Chapter or by any means or action prevents or attempts to prevent any employee of and/or person authorized by the Parish from carrying out the provisions of this Sub-Chapter, he shall be deemed guilty of a misdemeanor and, upon conviction thereof, may be fined an amount not to exceed five hundred dollars (\$500.00) or imprisoned for a period not to exceed thirty (30) days or both in the discretion of the court. Criminal enforcement of this article shall not precede the Parish from utilizing the civil remedies outline above.

(Ord. No. 2559; 10/14/97)

SECTION 5:208 - 5:250. RESERVED

[RESERVED]

Sub-Chapter D

Miscellaneous Building Regulations

SECTION 5:251. ESTABLISHMENT OF STRUCTURAL NUMBERING

A. Structural Numbering is hereby established in Lafourche Parish. It is hereby made the duty of each and every property holder to number or have numbered with Arabic numbers not less than three (3) inches in height, every residential (single-family, multi-family, trailer, apartment, and apartment complex), commercial or industrial building. The Lafourche Parish Council addressing department and/or the Lafourche Parish Communications District will assign the number.

B. All numbers shall be composed of individual digits a minimum of three (3) inches each and shall be posted on the building in such a manner as to be read from the street, avenue or public way. If the building is not visible from the roadway, the mailbox or other means of visible posting must be numbered. With respect to apartments, all apartment buildings must have approved numbers plus numbers or letters on each individual door or within four (4) inches of the door or the wall. On new structures or buildings, numbers shall be posted prior to installation of telephone service, and no permit shall be granted for construction until the address has been assigned. The above and foregoing, notwithstanding, nothing in the article shall permit the installation of signs onto the public right of way.

C. The Sheriff of this Parish is hereby specifically requested to assist in the enforcement of the provisions of this Section.

D. Any person who violates the provisions of this Ordinance shall upon conviction thereof, violation of this ordinance shall be a misdemeanor and be punished by a fine of not less than twenty-five dollars (\$25.00) for the first offense, second offense fifty dollars (\$50.00), and subsequent offenses one hundred dollars (\$100.00).

(Ord. No. 2748, 5/11/99)

SECTION 5:252. PROOF OF CONTRACTOR'S LICENSE REQUIRED

Contractors are required to provide proof of State and Federal identification numbers prior to the issuance of any permit for construction purposes in Lafourche Parish by the Lafourche Parish Permits Department (Ord. No. 3409, 4/13/04)

SECTION 5:253. INSTALLATION OF EXPANSION JOINTS REQUIRED

A. All contractors and land owners shall provide an expansion joint between the property line and the parish servitude when building a driveway or side walk.

B. The expansion joint shall be installed as close to the property line as possible in order not to cause a problem if the removal of an existing culvert is necessary.

(Ord. No. 3179, 8/12/03)

[RESERVED]