

**REGULAR MEETING
MARCH 11, 2020
6:30 P.M.**

The Mayor and Councilmen of the Town of Jean Lafitte met in a Regular Meeting with the following members present: Councilman Creppel, Councilman LeBeau and Councilman Smith. Absent: Councilman Bartholomew and Councilman Guillie.

On a motion by Councilman Smith and seconded by Councilman Creppel the following was offered:

A motion to accept minutes of the Regular Meeting of February 12, 2020.

YEAS: 3

NAYS: 0

ABSENT: 2

The Mayor and Councilmen were given budget to actual comparisons.

Mayor Timothy Kerner Jr. addressed the Council and public about COVID-19, 2020 Fisherman Summit, federal inspections on imported shrimp, shrimp labeling law and the diversion project. He thanked law enforcement for the great work for the Rosethorne Parade.

ZONING ORDINANCE #39

On a motion by Councilman Smith and seconded by Councilman Creppel the following ordinance was adopted:

An ordinance granting a variance to 1982 Plantation Street, Lot 14,
Square 2, Willie Mae Dolan Subdivision,

WHEREAS, Joseph Toups and Heather Boudreaux are the owners of said lot,

WHEREAS, the owners desire to construction a home with side yards of five (5) feet,

YEAS: 3

NAYS: 0

ABSENT: 2

Councilman Creppel
Councilman LeBeau
Councilman Smith

Councilman Bartholomew
Councilman Guillie

SUMMARY ORDINANCE #502

On a motion by Councilman Smith the following ordinance was offered:

An ordinance amending Ordinance #168, which is the Building Code

and Related Regulations of the Town of Jean Lafitte, to include the following:

Article I: Sec. -1. - Enforcement by building official; procedure.

- (a) It shall be the duty of the building official to enforce all laws relating to the construction, alteration, removal, maintenance, safety and demolition of buildings and structures.
- (b) The building official shall also enforce all laws relating to the maintenance and safety of immovable property, whether it is raw land or land upon which there are buildings or any other improvements.
- (c) The building official shall have the power to charge, execute complaints and issue citations and summonses to any suspected or alleged violator of any provisions of this Code under this jurisdiction. The summons shall cite the section of this Code violated and the date and time to appear before the mayor's court.
- (d) The charge, complaint and citation above referred to shall compel appearance before the mayor's court. The charge, complaint, citation and summons shall be given to the owner, the agent thereof and/or the occupant of any property which may be the subject of a violation in accordance with section 2-1. Any of these parties may be charged and cited by the building official for a violation, in accordance with applicable ordinances.
- (e) Nothing in this section regarding the duties and procedures of building officials shall be construed to include the enforcement of subdivision restrictions.
- (f) It shall be unlawful for any person to hinder or interfere with the building official in the discharge of official duties.

Sec. -2. - Right of entry.

The building official, in the discharge of official duties, and upon proper identification, shall have authority to enter any building, structure or premises at any reasonable hour.

Sec. -3. - Liability of building official.

The building official or any employee charged with the enforcement of this chapter, acting in good faith and without malice for the town in the discharge of official duties, shall not thereby become liable personally and the building official is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of official duties. Any suit brought against the building official or employee, because of such act or omission performed in the enforcement of any provisions of this chapter, shall be defended by the legal department of the town until final termination of the proceedings.

Sec. 4 - Certificate of compliance for new businesses.

- (a) *Required.* All persons who apply for a permit to establish a business within the town must submit to the town council with their application a certificate of compliance signed by the building official and the applicant certifying that all applicable statutory requirements of the state and the town have been met as concerns building plans, specifications, and permits. No applications will be approved without such certificate of compliance except as set out in subsection (b) of this section.
- (b) *Conditional approval.* The town council, in its discretion, may conditionally approve an application to do business without a certificate of compliance under the following circumstances:
 - (1) After a public hearing; and
 - (2) If all necessary and applicable permits and/or work necessary to obtain same can be completed and/or obtained within 60 days.

Conditionally approved businesses shall be administratively approved for business upon providing the town with the certificate of compliance within the 60-day time period.

- (c) *Failure to obtain approval.* Failure to obtain a certificate of compliance within 60 days of conditional approval shall be cause for a revocation hearing. Notice of such hearing shall be given in accordance with section 2-1. The town council at such hearing will decide whether to deny the application, grant an extension of the conditional approval, or take other action they deem proper under the circumstances.
- (d) *Reapplication.* Once an application for a business is denied by the town council for any reason, a new application shall not be resubmitted for a period of one year from the date of denial without prior approval from the town council.

Sec. -5. - Maximum height and composition of fences on residential property.

- (1) The maximum height of a fence or wall bordering the back and side yards of residential property shall be eight feet. A side yard fence shall not extend past the front corners of any residence.
- (2) A front yard fence or wall shall have a maximum height of four feet, and it shall in no case be of a height or composition so as to present a traffic safety hazard by, for example, obstructing one's view from a driveway to the adjoining street or vice versa.
- (3) The maximum height shall be measured from:
 - a. Six inches above the lowest point of the natural grade immediately adjacent to the fence on the outside;
 - b. The top of a chain wall that is not to exceed eight inches measured from the adjacent grade on the outside; or
 - c. The top of a retaining wall that has been properly permitted.
- (4) Columns spaced not less than five feet apart shall not exceed nine feet when measured in the same manner described in subsection (3) of this section; gateway arbors, trellises or any other structure erected as part of or over a permitted gate on a fence shall not exceed nine feet six inches when measure in the same manner described in paragraph (3) above.
- (5) Materials used in the construction of residential fences shall be wood, metal masonry or other rigid manmade composite materials that imitates wood, metal or masonry.

Sec. -6. - Building permit fees during natural disaster.

All residential and commercial building permit fees during hardships affecting the town, including, but not limited to, fires, floods, high winds and other destructive elements, shall be waived. Though building permit fees will be waived during these times, the requirements of obtaining a building permit is still in effect.

Sec. -7. - Certain permits waived.

The following building permits required for construction or repair are hereby waived:

- (1) Residential roof resurfacing work; and
- (2) Application of all residential exterior lightweight siding.

Sec. -8. - Fire department authorized to enter premises for pre-planning.

The fire department contracted to service the town, or its duly authorized representative, is hereby authorized to enter the premises of any business located in the town during normal business hours, for the purposes of conducting pre-planning and fire safety inspections.

Sec. -9. - Permits for leased premises; owner approval required.

In the case of any lessee seeking to obtain a building permit for any valid purpose on the leased premises, said lessee must provide written approval from the owner/lessor of the immovable property.

Sec. -10. - Permit procedure for the use of portable storage units and related matters.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Portable storage unit or container includes, but is not limited to, any portable unit or container of any size, made of any material, commonly used for the temporary storage of non-hazardous materials or goods of any nature. This does not include containers used for the hauling and disposal of construction debris.

- (b) *Location.*

- (1) Any portable storage unit or container not to be located in the rear yard must be located in the front driveway or, if no driveway, in the front yard of the property.
- (2) No portable storage unit or container may be placed on public property, including sidewalks, servitudes, rights-of-way, or streets at any time.

- (c) *Permitting.*

- (1) The town shall issue a permit for the usage of a temporary portable storage unit or container prior to the placement of same on private property.
- (2) Said permit shall be a 30-day period, except when a building permit for interior renovations or new construction has been issued at the same address, and then the permit for the portable storage unit shall expire on the same date as the building permit or 30 days after the issuance of a certificate of occupancy whichever comes first. Said permit shall not be extended for any reason.
- (3) Said permit shall contain the expiration date and shall be affixed to the portable storage unit or container so that same is clearly visible from the street.

- (d) *Violations.*

- (1) Any violations of this section shall be punishable by a fine of \$500.00 or ten days in jail.
- (2) In addition to the above penalties, any violation of subsection (b)(2) of this section shall result in the immediate removal of said storage unit or container. Said violator will be responsible for all removal and storage costs.

- (e) *Damages.* The town shall not be responsible for any damages due to damage to container or unit or its contents due to loss, theft, and fire or otherwise as a result of enforcement of this section.

Sec. -11. - General liability requirements for home elevation contractors.

- (a) In addition to any other requirements of this Code, any owner, authorized agent, contractor or subcontractor who desires to elevate a building or structure, shall provide proof of all of the following:
- (1) A minimum \$500,000.00 general liability policy.
 - (2) A riggers endorsement equal to or exceeding the current market value of the building or structure.
 - (3) The state licensing board for contractors' certification classification of "rigging, house moving, wrecking and dismantling."
- (b) Where a subcontractor is to perform any portion of the elevation, the general contractor shall obtain the permit from the town and provide the town a copy of the signed contract and the name of such subcontractor. Any subcontractor performing any portion of the elevation shall meet the requirements of subsections (a)(1), (2), and (3) of this section.

Sec. -12. - Uniform construction code adopted.

Pursuant to R.S. title 40, ch. 8, pt. IV-a (R.S. 40:1730.21 et seq.), 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, the Louisiana State Uniform Construction Code as may from time to time be amended and promulgated by the state and all

other applicable standards and appendices referenced in that code, including Appendix J to the residential building code, is hereby adopted as the building code of the town.. The Louisiana State Uniform Construction Code is adopted for the purpose of regulating and governing the conditions and maintenance of all property, buildings, and structures in the town; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures; providing for the issuance of permits and collection of fees therefor, of which not less than three copies are on file in the office of the chief building official. Each and all of the regulations, provisions, penalties, conditions, and terms of said building code on file in the office of the chief building official are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter and article, with the additions, insertions, deletions, and changes, if any, prescribed herein. For the purpose of administering the applicable building codes within the town, the administration chapters of the various building codes are also hereby adopted and included as part of the Louisiana State Uniform Construction Code.

Sec. -13. - International Property Maintenance Code.

All provisions of the 2009 International Property Maintenance Code are hereby adopted.

State Law reference— Adoption of technical codes by reference, R.S. 33:1368 et seq.

Sec. -14. - Lot grade rules and regulations.

(a) *Generally.* To establish appropriate grade or elevation for lots, structures, and facilities, the following general standards shall apply:

- (1) *Floor elevation.* No superstructure shall be erected until an acceptable floor elevation has been determined.
- (2) *Grade elevation.* No new superstructure shall have fully met the requirements of this Code unless the site has been raised to grade with approved sanitary fill. The grading is to be extended from the established curb height and shall slope upwards toward the property line, one-half inch for each foot of width of sidewalk area (sidewalk area means that portion of ground between the roadway and the property line of the adjacent landowner) and then beginning at the property line shall slope upwards one inch in 20 feet toward the rear property line or an alternate method approved by the code official. Once an acceptable lot grade has been established, it is the owner's responsibility to maintain proper grade.
- (3) *Runoff.* The approved arrangements for handling direct run off (whether by retainer wall, approved sub-surface drainage, swale, or other approved alternative) shall be properly maintained by the property owner.
- (4) *Sidewalk elevation.* In developed subdivisions, where the existing sidewalks are not below the centerline of the street's elevation, said sidewalks shall be maintained at their present elevation.
- (5) *Parking space elevation.* Parking spaces shall have a minimum gradient of one-half percent and a maximum gradient of five percent.
- (6) *Driveway or accessway elevation* Driveways or accessways for existing one- and two-family dwellings, including townhouses, that are elevated as part of a home elevation project shall not be constructed with a slope greater than five percent unless the board of zoning appeals grants a variance.
- (7) *Modifications.* The town's administration may enforce or modify lot grade requirements to promote the public health, safety, or welfare, including, but not limited to, prevent the breeding of mosquitoes, save significant trees, preserve the ecology, or meet accessibility requirements.

(b) *Retaining walls.*

- (1) In case a lot or part thereof is higher than the adjoining lot, approved arrangements shall be made to prevent water from the higher lot flowing directly onto the lower adjoining lot. If the code official determines the difference in lot elevation to be too great for a swale, a retaining wall on the rear and both side property lines shall be required. Such retaining wall shall be constructed of reinforced concrete or masonry, be a minimum of six inches in thickness, and shall be constructed in such a manner as to effectively withstand the soil and water pressures exerted against it. In the case of reinforced concrete walls, the wall shall be provided with at least one continuous one-half-inch diameter steel reinforcing rod for each six inches of depth. The retaining wall shall extend a minimum of two inches above the highest adjacent grade (including sod), and a maximum of six inches above the highest adjacent grade (including sod). The retainer wall shall extend below the lowest adjacent grade to a depth equal to the height of retaining wall.
- (2) Retaining walls that meet either of the following conditions shall be designed and stamped by a design professional:
 - a. Retaining walls which are more than 12 inches in height above the lowest adjacent grade.
 - b. Retaining walls which extend below the lower adjacent grade a depth less than its height above the lower adjacent grade.

- (c) *Alternative to retaining walls.* As an alternative to the above required retainer walls, builders of new structures may elect to lower the brick ledge on slab construction or construct pier supported structures, to eliminate or minimize lot elevation differences.
- (d) *Drainage plans required.* Where a residential lot depth is 200 feet or more in depth a design professional-certified lot drainage plan shall be submitted along with the application for building permit. Such plans when approved shall be fully implemented before request for a final building inspection can be scheduled.
- (e) *Drainage servitude and facilities.*
 - (1) In the case where the rear of the lot on which the new construction is proposed adjoins a lot on which a residence or building already exists, and which lot drains to the rear and the required elevation on the lot where the new construction is proposed is higher than the existing elevation of the lot on which the residence or building exists, then:
 - a. A drainage servitude on the lot containing the new construction is dedicated and properly recorded to drain the lot on which the residence or building already exists; and
 - b. Drainage facilities are properly installed on the lot containing the new construction.
 - (2) No newly constructed residence or building shall be released for occupancy and no notification of release shall be sent to the utility companies until the above described drainage servitude and drainage facility requirements have been accomplished.
 - (3) This subsection (e) applies only in those cases where the rear lot on which a building already exists cannot raise its grade because it would cause run-off damage to the building thereon.
 - (4) The above servitude requirements shall not apply to isolated singularly-developed properties.
 - (5) A certificate of use and occupancy and compliance shall not be issued until a final elevation certificate has been secured.

ARTICLE II - UNSAFE BUILDINGS AND STRUCTURES INSTALLATIONS, ETC.

Sec. -1. - Notice to owner; hearing; notice filed with recorder of mortgages binds transferees.

- (a) Notice to owner.
 - (1) Before the town council may condemn any building or structure, there shall be submitted to it a written report recommending the demolition or removal of the building signed by the building official. The mayor shall thereupon serve notice on the owner of the building or structure requiring the owner to show cause at a meeting of the town council, regular or special, why the building or structure should not be condemned. The date and hour of the meeting shall be stated in the notice which shall be served at least ten days prior to the date of the hearing, except in case of grave public emergency as provided in subsection (c) of this section.
 - (2) How notice is served.
 - a. The notice may be served by mailing it via the United States Postal Service, by either registered or certified mail, return receipt requested, to the owner at the owner's last known address.
 - b. Service by registered or certified mail shall be considered personal service if the certified return receipt or the return form is signed by the addressee. Service by registered or certified mail shall be considered domiciliary service if the certified return receipt or the return form is signed by anyone other than the addressee.
 - c. If the registered or certified mail is returned for failure to obtain a signature on the return receipt form or returned due to refusal of delivery, service may be accomplished by first class mail, with a certificate of mailing. Service by first class mail in accordance with this subsection shall be considered personal service and is effective when mailed.
 - (3) The notice may also be served by the chief of police or by any sheriff or deputy sheriff or constable having jurisdiction and power to serve legal process where the owner of the building or structure is found in the state, and the officer shall make return of the service as in ordinary cases.
- (b) If the owner is absent from the state or unrepresented therein, then the notice shall be served upon the occupant of the condemned building or structure, if any, and also upon an attorney at law appointed by the mayor to represent the absentee. Domiciliary service may be made as in ordinary cases.
- (c) In case of grave public emergency where the condition of the building is such as to cause possible immediate loss or damage to person or property, the town council may condemn the building after 24 hours' notice served upon the owner or the agent thereof or the occupant and attorney at law appointed to represent the absentee owner. Any such notice may be attached to a door or main entrance of the premises or in a conspicuous place on the exterior of the premises and shall have the same effect as delivery to or personal service on the owner, occupant, or attorney at law appointed to represent the absentee owner.
- (d) Notice kept on file; de facto proof.
 - (1) Any notice served pursuant to this section shall be filed by the city council with the recorder of mortgages of the parish. Once filed, said notice shall be deemed notice to all subsequent

transferees. Any transferee of such property takes the property subject to all recorded liens, mortgages, and notices thereunto pertaining.

- (2) For purposes of any type of funding assistance being sought by the building or structure owner, any notice served pursuant to this section shall be de facto proof that the building or structure is more than 50 percent damaged.

State Law reference— Similar provisions, R.S. 33:4762. Sec. -338. - Lien and privilege for cost of demolition, removal, and maintenance by city; interest; attorney fees.

- (a) The town has a privilege and lien upon an immovable and its improvements, and the owner is personally liable for:
 - (1) The cost to the town of maintenance of the immovable or improvements; and
 - (2) The cost to the town of demolishing or removing, or both, a building or other structure situated upon the immovable or improvements, and all attorney fees incurred by the town in connection with such demolition or removal.
- (b) The term "maintenance" shall include, but not be limited to, grass cutting, weed abatement, and trash and garbage removal.
- (c) The privilege and lien shall be preserved and enforced only after the owner has refused, after notification by the parish or municipality and reasonable opportunity to be heard, to pay the costs incurred by the town.
- (d) The privilege and lien shall be preserved by the filing and recording of an affidavit signed by the mayor or designee in the mortgage office of the parish. The affidavit shall include a description of the property sufficient to reasonably identify the immovable and a statement of facts listing the approximate cost or costs incurred by the town.
- (e) Enforcement and interest of lien.
 - (1) The privilege and lien shall be enforced by ordinary process in the district court having jurisdiction of the immovable within three years after it is perfected. Alternatively, the privilege and lien may be enforced by assessing the amount of the privilege and lien against the immovable as a tax against the immovable, to be enforced and collected as any ordinary property tax lien to be assessed against the property; the lien and privilege may be collected in the manner fixed for collection of taxes and shall be subject to the same civil penalties for delinquencies. After the town has incurred such costs as constitute the lien and privilege on the property, the mayor may send an attested bill of said costs and expenses which constitute the lien and privilege to the director of administration or tax assessor of the parish, who shall add the amount of the bill to the next tax bill of the owner. The lien obtained by the city pursuant to proper notification and filing shall include not only the costs provided for in subsection (a) of this section, but shall include all attorney fees and all costs of court incurred in the locating of the owner, the notification of the owner, and the enforcement and collection of the amount secured by the lien against the immovable and the improvements.
 - (2) The town is entitled to recover interest on the amounts secured by the lien. The interest shall not exceed the rate of legal interest provided in R.S. 9:3500 and shall be computed from the date of recordation of the lien until paid. The privilege and lien of the city shall prime all other liens or privileges against the property filed after the notice to the owner to show cause is filed with the recorder of mortgages pursuant to section 10-337(d), regardless of the date on which the lien and privilege of the city is perfected, except that the lien and privilege of the parish or municipality will not prime other tax liens against the property.
- (f) The lien shall not be cancelled until after payment of all amounts, including costs, attorney fees, and interest.
- (g) In addition to the lien and enforcement procedures authorized under this section, the town has a cause of action against the owner personally for the costs incurred by the town, if such owner is not indigent and has the ability to pay a judgment obtained by the parish or municipality. Such action may be brought by ordinary proceeding in any court of competent jurisdiction.
- (h) Indivision of property.
 - (1) If property, which may be subject to a lien and privilege granted in favor of a parish or municipality under this section, is owned in indivision and the owners in indivision, with their proportionate share in the property, are listed separately by the tax assessor on the ad valorem tax roll for the city, then the parish or municipality shall notify each owner in indivision of liability under this section.
 - (2) Upon failure of each owner in indivision to pay the proportionate share of the charges incurred under this section, that part of the property for which the charges are not paid shall be subject to a lien and privilege in favor of the town as provided in this section.
 - (3) Notwithstanding the provisions of subsection (f) of this section to the contrary, upon payment by an owner in indivision of the proportionate share listed on the ad valorem tax roll for the city of the charges, attorney fees, and interest incurred under this section, and after certification of such proportionate interest by the assessor, the lien and privilege granted under this section shall be removed from the proportionate interest of the paying owner in indivision. If outstanding charges

levied under this section are added to the annual ad valorem tax bill, the proportionate payment by the paying owner in indivision shall be reflected on the bill, and such owner's interest in the property free of such charge shall be distinguished on the tax bill.

- (4) Notice of the lien and privilege required herein shall be made upon the owners in indivision at their actual address or the last known address listed on the tax rolls of the parish.

State Law reference— Similar provisions, R.S. 33:4766. Sec. -339. - Attorney fee.

An attorney at law appointed by the mayor pursuant to section 10-337 shall be paid a \$475.00 fee for the first absent owner of a property, plus all actual cost expended by the attorney at law.

State Law reference— Similar provisions, R.S. 33:4767. Sec. -340. - Eviction from abandoned buildings.

It shall be unlawful for any person to inhabit a building which has been declared abandoned by the town building official and the police department shall evict any person inhabiting such abandoned building.

No further business was discussed. Mayor Timothy Kerner, Jr. adjourned the meeting at 7:05 p.m.

Town Clerk