

CHAPTER 18

BUILDING REGULATIONS

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Article A. General Provisions

Section 18.1 Building permits

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

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

(1) Physical address of lot.

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

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

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

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

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

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

Section 18.2 Culverts

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

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

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

D. Any person charged with the violation of this Section shall, upon conviction, be guilty of a misdemeanor and sentenced to pay a fine of not more than one hundred (\$100) dollars or imprisoned for not more than ten (10) days, or both. Each day the violation continues shall be considered a separate offense.

(Ordinance 17 adopted 7/5/60; Ordinance adopted 2/8/83; Ordinance 60 adopted 10/7/86; Ordinance 121 adopted 3/12/01; Ordinance 2008-183 adopted September 15, 2008)

Section 18.3 Municipal numbers for houses

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

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

C. Any person charged with the violation of this Section shall, upon conviction, pay a fine of not more than one hundred (\$100) dollars nor less than twenty-five (\$25) dollars. Each day the violation continues shall be considered a separate offense.

(Ordinance 80 adopted 7/13/93; Ordinance 120 adopted 3/12/01)

Article B. Dangerous Structures

Section 18.11 Removal; condemnation of buildings

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

(Ordinance 106 adopted 9/9/97)

Section 18.12 Notice to owner; absent owner; hearing

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

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

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

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

Section 18.13 Decision of council; order to demolish or repair

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

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

Section 18.14 Appeal

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

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

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

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

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

Section 18.16 Lien and privilege for cost of demolition by council

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

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

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

Article C. Communication Towers and Antennae Permitted as Conditional Use

Section 18.21 Definitions

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

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

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

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

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

Section 18.22 Communications tower and antenna; permitted as conditional use

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 18.23 Conditions

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

B. The applicant must show that:

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

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

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

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

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

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

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

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

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

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

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

Section 18.24 Abandonment

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

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

(2) Dismantle and remove the tower.

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

(Ordinance 101 adopted 4/8/97)

Section 18.25 Exceptions

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

Section 18.26 Additional requirements

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

Section 18.27 Denial of permit

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

Article D. Sewerage

Section 18.31 Mechanical treatment plants

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

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

Article E. Uniform Construction Code

Section 18.41 Uniform Construction Code adopted

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

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

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

(3) International Residential Code, 2006 Edition, not including Parts I—Administration, V—Mechanical, VII—Plumbing, and VIII—Electrical. The applicable standards referenced in that code for regulation of construction within this state. Appendix J. Existing Buildings and Structures, is also included for mandatory regulation. For the purposes of this Part, IRC R301.2.1.1 (Design Criteria) shall be amended as follows and shall only apply to the International Residential Code, 2006 Edition:

(a) Amendment of R301.2.1.1 (Design Criteria).

(b) Item 6, The American Concrete Institute, Guide to Concrete Masonry Residential Construction in High Winds Areas, shall be added.

(c) Item 7, Institute for Business and Home Safety, Optional Code-plus Fortified for Safer Living, shall be added.

(d) Item 8, Federal Alliance for Safe Homes, Optional Code-plus Blueprint for Safety, shall be added.

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

(5) The Louisiana State Plumbing Code (Part XIV (Plumbing) of the State Sanitary Code) as amended by the state health officer acting through the office of public health of the Department of Health and Hospitals. Nothing in this Part shall be construed so as to prevent the state health officer from enforcing Part XIV (Plumbing) of the State Sanitary Code, the enforcement of which is his statutory and regulatory responsibility.

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

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

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Article E. Uniform Construction Code

- Section 18.41 Uniform Construction Code adopted

Article F. Manufactured/Mobile Homes

Article G. Rental Property

Article A. General Provisions

Section 18.1 Building permits – Residential and Commercial

A. No person, business, corporation, or other entity shall commence the construction or renovation of a home, building, or the emplacement of a mobile home within the corporate limits without first obtaining a building permit clearance from the town and a building permit from Pointe Coupee Parish Police Jury.

B. Applicant must possess, at the time of application for permit clearance for the emplacement of a mobile home a copy of the title or registration with proof of age and the VIN number of the mobile home.

C. No person, business, corporation, or other entity shall commence the construction or renovation of a commercial building within the corporate limits of the town without first obtaining a building permit clearance from the town and a building permit from Pointe Coupee Parish Police Jury. The applicant must submit copies of blueprints or plans for the structure or renovation to the Town of Livonia and Livonia fire chief.

D. No utilities from Livonia Utility System shall be connected before building permits ~~is~~ are obtained.

E. Upon compliance with the above requirements and payment of a fee, as determined by the council, a building permit clearance will be issued.

G. Whoever violates this Section shall be fined not more than one hundred (\$100) dollars or imprisoned for not more than ten (10) days, or both. Each day such violation continues shall be considered a separate offense.

(Ordinance adopted 11/5/74; Ordinance adopted 12/4/79; Ordinance 58 adopted 4/1/86; Ordinance 93 adopted 11/14/95; Ordinance 122 adopted 3/12/01)

Section 18.2 Culverts

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

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

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

request must be made on town culvert application and agreement form. Release from liability and obligations of landowners documents must be executed prior to installation.

D. Any person charged with the violation of this Section shall, upon conviction, be guilty of a misdemeanor and sentenced to pay a fine of not more than one hundred (\$100) dollars or imprisoned for not more than ten (10) days, or both. Each day the violation continues shall be considered a separate offense.

(Ordinance 17 adopted 7/5/60; Ordinance adopted 2/8/83; Ordinance 60 adopted 10/7/86; Ordinance 121 adopted 3/12/01; Ordinance 2008-183 adopted September 15, 2008)

Section 18.3 Municipal numbers for houses and commercial buildings

A. All residents and/or owners of any house or commercial building are to install municipal numbers on houses or commercial building as required for identification by emergency 911 response units.

B. All owners and occupants of any housing within the town shall install four (4") inch high reflective municipal numbers on all houses. Other housing or commercial building shall install six (6) inch high reflective municipal numbers as required for identification by emergency 911 units. Any house or commercial building that is more than one-hundred (100) feet from a public road must install the required reflective municipal numbers roadside.

C. Any person charged with the violation of this Section shall, upon conviction, pay a fine of not more than one hundred (\$100) dollars or less than twenty-five (\$25) dollars. Each day the violation continues shall be considered a separate offense.
(Ordinance 80 adopted 7/13/93; Ordinance 120 adopted 3/12/01)

Article B. Dilapidated and Dangerous Structures – Building Abatement

Section 18.11 Removal; condemnation of buildings

The council, in accordance with R.S. 33:4761 et. seq. may condemn and cause to be demolished or removed any building or structure within the town when it is in a dilapidated and dangerous condition which endangers the public welfare.
(Ordinance 106 adopted 9/9/97)

Section 18.12 Notice to owner; absent owner; hearing

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

other official authorized by the law to serve legal process where the owner of the building or structure is found in the state, and the officer shall make return of the service as in ordinary cases.

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

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

Section 18.13 Decision of council; order to demolish or repair

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

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

Section 18.14 Appeal

The owner, occupant, agent, or other representative of the owner may appeal from the decision of the council to the Eighteenth Judicial District Court in accordance with law.
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Section 18.15 Compliance with decision; demolition by council when owners fail to comply; notice

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

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

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

Section 18.16 Lien and privilege for cost of demolition by council

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

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

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

Article C. Communication Towers and Antennae Permitted as Conditional Use

Section 18.21 Definitions

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

- 1) "Antenna" means a device, dish, or array used to transmit or receive telecommunications signals.
- 2) "Communications tower" means a tower, pole or similar structure which supports a telecommunications antenna operated for commercial purposes above ground in a fixed location, freestanding, guyed, or on a building.
- 3) "Height" of a communication tower means the distance from the base of the tower to the top of the structure.
- 4) "Telecommunications", as defined in the federal Telecommunications Act of 1996, means the transmission, between or among points specified by the user, of information of

the user's choosing, without change in the form or content of the information as sent and received.

(Ordinance 101 adopted 4/8/97)

Section 18.22 Communications tower and antenna; permitted as conditional use

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

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

- 1) Residential-Free-standing tower with height not exceeding one hundred (100') feet is a permitted conditional use; height exceeding one hundred (100') feet requires a special exception.
- 2) Commercial-Free-standing or guyed tower with height not exceeding one hundred eighty (180') feet is a permitted conditional use; height exceeding one hundred eighty (180') feet requires a special exception.
- 3) Industrial-Free-standing or guyed tower with height not exceeding three hundred sixty (360') feet is a permitted conditional use; height exceeding three hundred sixty (360') feet requires a special exception.
- 4) Other-Free-standing or guyed tower with height not exceeding five hundred (500') feet is a permitted conditional use; height exceeding five hundred (500') feet requires special exception.

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

- (1) One copy of typical specifications for the proposed structure and antennae, including description of design characteristics and material.
- (2) A site plan drawn to scale showing property boundaries, tower location, tower height, guy wires and anchors, existing structures, photographs or elevation drawings depicting typical design of proposed structures, parking, fences, landscape plan, and existing and uses on adjacent property. A site plan is not required if the antenna is to be mounted on an approved existing structure.
- (3) A current map, or update for an existing map on file, showing locations of applicant's antennae, facilities, existing towers, and proposed towers which are reflected in public records, serving any property within the town.

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

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

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

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

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

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

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

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

Section 18.23 Conditions

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

B. The applicant must show that:

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

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

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

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

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

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

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

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

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

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

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

Section 18.24 Abandonment

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

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

(2) Dismantle and remove the tower.

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

(Ordinance 101 adopted 4/8/97)

Section 18.25 Exceptions

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

Section 18.26 Additional requirements

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

Section 18.27 Denial of permit

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

Article D. Sewerage

Section 18.31 Mechanical treatment plants for areas that are not supplied by municipal sewer

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

- (1) A field bed of not less than one hundred (100') feet of perforated four-inch pipe.
- (2) The trench for the field bed must be at least twenty-four (24") inches wide.
- (3) There must be at least twelve (12") inches of gravel below the pipe invert and six (6") inches of gravel above the invert of the perforated pipe, and shall be covered with felt paper before backfilling with soil.
- (4) The outflow-perforated pipe should not have a fall greater than one (1") inch per one hundred (100') feet so as to allow the effluent to seep into the field bed.
(Ordinance 139 adopted 4/8/02)
- (5) For areas that are supplied by municipal sewer see Section 10 Article D of this Code.

Article E. Uniform Construction Code

Section 18.41 Uniform Construction Code adopted

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

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

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

(3) International Residential Code, 2006 Edition, not including Parts I—Administration, V—Mechanical, VII—Plumbing, and VIII—Electrical. The applicable standards referenced in that code for regulation of construction within this state. Appendix J. Existing Buildings and Structures, is also included for mandatory regulation. For the purposes of this Part, IRC R301.2.1.1 (Design Criteria) shall be amended as follows and shall only apply to the International Residential Code, 2006 Edition:

(a) Amendment of R301.2.1.1 (Design Criteria).

(b) Item 6, The American Concrete Institute, Guide to Concrete Masonry Residential Construction in High Winds Areas, shall be added.

(c) Item 7, Institute for Business and Home Safety, Optional Code-plus Fortified for Safer Living, shall be added.

(d) Item 8, Federal Alliance for Safe Homes, Optional Code-plus Blueprint for Safety, shall be added.

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

(5) The Louisiana State Plumbing Code (Part XIV (Plumbing) of the State Sanitary Code) as amended by the state health officer acting through the office of public health of the Department of Health and Hospitals. Nothing in this Part shall be construed so as to prevent the

state health officer from enforcing Part XIV (Plumbing) of the State Sanitary Code, the enforcement of which is his statutory and regulatory responsibility.

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

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

ARTICLE F. MOBILE HOMES

A. DEFINITIONS - As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

- (1) *Adjacent property*: any Zone R1, R2, or SI property immediately in front of, behind, or located on either side of a property in question (including any property directly across any street or roadway from a property in question). All adjacent property owners shall be considered equally regardless of how much property they own adjacent to the property in question.
- (2) *Approved*: complying with all applicable town ordinances and codes.
- (3) *Building*: any structure whether manufactured elsewhere and placed on premises or whether erected on the premises for the shelter of persons, animals, chattels, or movable property of any kind.
- (4) *Dwelling*: a mobile home, house, or other structure that is being used for one or more persons living ~~or other purposes~~ as a single housekeeping unit with cooking facilities, but not including units in hotels, motels, boarding houses, travel trailers, campers or the like.
- (5) *Dwelling unit*: a single residential accommodation which is arranged, designed, used or, if vacant, intended for use exclusively as a domicile for one (1) family.
- (6) *Flush toilet closet*: the room in which a toilet bowl flushes with water where a water sealed trap is located.
- (7) *Garbage*: a substance that decomposes at a certain temperature in contact with air or moisture; putrescible animal and vegetable wastes resulting from the handling, preparation, cooking, and consumption of food.
- (8) *Habitable building*: any building or part thereof that meets minimum standards for use as a home or place of abode by one (1) or more persons.
- (9) *Habitable room*: a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments,

laundries, furnace room, unfinished basements (those without floor covering, ceiling covering, wall finish, required ventilation, required electric outlets and required exit facilities), pantries, utility rooms of less than fifty (50) square feet of floor space, foyers, communicating corridors, stairways, closets, storage spaces, and workshops, hobby and recreation areas in parts of the structure below ground level or in attics.

(10) *Immediate family member*: a parent, sibling, child, grandparent, or grandchild.

(11) *Individual mobile home owner*: for purposes of this section, shall refer to an individual who owns the mobile home in question, holds the title to the mobile home, which is in his or her name, utilizes the mobile home as his or her primary residence, and owns the land on which the mobile home is parked.

(12) *Kitchen*: a space which contains a sink with counter working space, adequate space for installing cooking and refrigeration equipment, and adequate space for the storage of cooking utensils.

(13) *Mobile Home or Trailer*: any vehicle, covered or uncovered, used for living, sleeping, business, or storage purposes; having no foundation other than wheels, blocks, skids, jacks, horses or skirting; and which is, has been, or reasonably may be equipped with wheels or other devices for transporting the vehicle from place to place, whether by motive power or other means. Mobile homes that fall under classification of "modular homes" shall be included in this definition.

(14) *Motor Home*: A motor vehicle built on a truck chassis and is designed to serve as a self-contained living quarter for recreation.

(15) *Multiple family dwelling*: a dwelling or portion thereof containing two (2) or more dwelling units.

(16) *Occupant*: any person including owner or operator living, sleeping, cooking, or eating in a dwelling unit.

(17) *Operator*: the owner or his agent who has charge, care, control, or management of a building, or part thereof, in which dwelling units or rooming units are let.

(18) *Owner*: any person, partnership, firm or corporation who, alone, jointly or severally with others, shall be in actual possession of, or have charge, care or control of, any dwelling or dwelling unit within the city as owner, employee or agent of the owner, or as trustee or guardian of the estate or person of the title holder. Any such person representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as the owner.

(19) *Persons*: an individual, firm, partnership, association, corporation or joint venture or organization of any kind.

(20) *Plumbing*: all of the following supplied facilities and equipment in a dwelling: gas, pipes, gas burning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar fixtures and the installation thereof, together with all connections to water, sewer and gas lines.

(21) *Premises*: a platted lot or part thereof or unplatted parcel of land, either occupied or unoccupied by any dwelling or non-dwelling structure, including such building, accessory structure or other structure thereon.

(22) *Public hall*: a hall, corridor, or passageway for providing egress from a dwelling unit to a public way and not within the exclusive control of one (1) family.

(23) *Refuse*: all putrescible and non-putrescible waste solids including garbage and rubbish.

(24) *Rental (or Rent)*: any rental agreement, rent-to-own agreement, lease, lease-purchase, owner-financed sale agreement, or any other similar agreement between a property owner and another individual, group of individuals, or other entity in which there is no actual transfer of ownership and transfer of title of the property that would constitute a bona fide sale.

(25) *Rental dwelling*: a mobile home, house, or other structure intended to be used for rental purposes.

(26) *Repair*: to a sound and acceptable state of operation, service ability, or appearance.

(27) *Rodent harborage*: any place where rodents can live, nest or seek shelter.

(28) *Rubbish*: non putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, grass and shrubbery clippings, wood, glass, brick, plaster, bedding, crockery, and similar materials and stripped motor.

(29) *Safety*: the condition of being reasonably free from danger and hazards which may cause accidents or disease.

(30) *Subdivide or subdivision*: the division of a lot, tract, or parcel of land into two (2) or more lots, plots, parcels, or building sites. It also includes the resubdivision or rearrangement of one or more lots, plots, parcels, or building sites.

(31) *Substandard dwelling*: any dwelling which does not conform to the minimum standards established by the Town Code.

(32) *Supplied*: paid for, furnished by, provided by or under the control of the owner, operator, or agent of a dwelling.

(33) *Tenant*: any person including owner or operator living, sleeping, cooking, and eating in dwelling unit.

(34) *Town*: Town of Livonia.

(35) *Town building inspector*: an inspector, appointed by the town, for the purpose of inspecting any and all mobile homes, rental dwellings, or other properties that are within the town limits.

(36) *Travel Trailer*: A unit designed to serve as a self-contained living quarter for recreation which is built on a frame with wheels designed to be towed by a car/van or pickup truck by means of a bumper or frame hitch.

Meaning of certain words—whenever the words "dwelling" "dwelling unit," "premises," or "structure" are used in this section, they shall be construed as though they were followed by the words "or any part thereof."

B. Mobile Home Requirements

(1) Installation, setup, anchoring, etc. shall be according to HUD standards, and the Louisiana Manufactured Housing Commission as per R.S. Title 51, Trade and Commerce, 912.21-912.53.

(2) All mobile homes must meet the manufacturing standards established by the 1994 requirements by HUD and the Louisiana Manufactured Housing Commission as per R.S. Title 51, Trade and Commerce.

(3) The siding of the mobile home shall be painted metal, vinyl, Masonite, wood or other compatible-looking material meeting HUD and the Louisiana Manufactured Housing Commission as per R.S. Title 51, Trade and Commerce. This outside appearance shall be maintained during the term of the mobile home's stay in the Town of Livonia.

(4) All windows and doors shall be intact without any breaks or structural defects. No plywood or other coverings shall substitute for a window or door.

(5) The roof must be intact with no leakage and shall have a roof pitch as required by HUD and the Louisiana Manufactured Housing Commission as per R.S. Title 51, Trade and Commerce, and shall have a surface of wood shakes, asphalt composition, wood shingles, fiberglass, or metal. The roofing materials that cover the home must be uniform and composed of the same material which is of the same color and consistency.

(6) The dwelling shall comply with any other current parish, state, federal, and municipal ordinances in place.

(7) Every floor, interior wall, and ceiling shall be adequately protected against the passage and harborage of vermin and rodents, and shall be kept in sound condition and good

repair. Every floor shall be free of rotted flooring materials. Every interior wall and ceiling shall be maintained in a tight weatherproof condition

(8) The skirting enclosure from the bottom of the mobile home to the ground enclosing the entire perimeter of the mobile home shall be made of vinyl mobile home skirting or being vinyl lattice work with a maximum of two-inch (2") openings.

(9) Travel trailers, motor homes, campers, and any other recreational vehicles are prohibited from being placed on a lot and used as a dwelling or occasional use.

(10) Sewer treatment shall comply with all state, parish, and municipal standards. Each mobile home shall have its own sewer treatment system. No two or more mobile homes shall be allowed to share a common sewer treatment system unless it is part of a public sewer treatment system approved by the town for public sewer disposal.

(11) Rental homes are addressed in Chapter 18 Article G of this code.

(12) Each mobile home shall have steps and structurally sound handrails leading up to any and all entrances & exits of the home.

(13) Electric service, outlets and fixtures. Every dwelling unit and all public and common areas shall be supplied with electric service, over-current protection devices, electric outlets, and electric fixtures which are properly installed, which shall be maintained in safe working condition, and shall be energized by an approved source of electric power and in compliance with the applicable ordinances of the city and state.

(14) The minimum distance from any part of the mobile home to any lot line on the property on which the mobile home is parked shall be at least twenty (20) feet.

(15) Mobile homes shall not be allowed to be utilized for commercial business, as an extension of a commercial business, or as a storage structure for a commercial business or residence or other similar use within the town limits.

(16) Only one mobile home shall be allowed on individual lots.

(17) Used mobile homes locating or relocating in the corporate limits of Livonia shall be eight (8) years old or less at the time of installation.

(18) If regulations exist within a particular subdivision, street, or neighborhood which is stricter than the guidelines set forth in this ordinance, the stricter regulations shall apply.

(19) The mobile home owner shall have ninety (90) days to comply with the above requirements ((B) Mobile Home Requirements) after the building permit clearance is issued by the Town of Livonia.

(Ordinance 2009-187, adopted 5/11/09; Ordinance 2011-195, adopted 1/10/11)

Exemptions: Mobile homes which are located within the town limits and are occupied as a primary residence by a person or persons at the time of the passage of this ordinance(*January 10, 2011*) or have been occupied within the six (6) months period prior to the passage of this ordinance shall be exempt from the requirements of this amendment with the following exception: If any such mobile home becomes unoccupied by a person or persons as a primary residence for a period of six month or greater, said mobile home shall be required to be updated to meet the requirements of this ordinance within three (3) months' time. If said mobile home is not upgraded to meet requirements of this amendment, the town will not provide any utilities to said mobile home until the requirements of this amendment are met.

Change of Ownership: A change in ownership of a mobile home shall void any previously granted exemption for said mobile home and that mobile home shall subsequently be required to meet all requirements of this ordinance within three (3) months' time. If said mobile home is not upgraded to meet the requirements of this amendment, the town will not provide any utilities to said mobile home until the requirements are met.

Enforcement:

The inspector shall be charged with inspecting said mobile homes and shall subsequently furnish a report to the town clerk.

If a mobile home does not meet the requirements of this ordinance, the town shall inform the owner of the specific corrections or upgrades that are required to be made to said mobile home so that it may be in compliance with this ordinance within 3 months.

No utilities will be furnished to a mobile home which is in noncompliance with the requirements enumerated in this ordinance.

Variance:

(i) Any individual mobile home owner may request a variance due to hardship or other similar reasons.

(ii) The owner or owner's representative shall make a request for variance in writing and shall submit it to the town clerk. The request may be granted or denied by the town council. A three fifths (3/5) vote of the town council shall be required to grant a variance.

(iii) Variance shall be granted only for the specific requirements of this amendment waived by the town council for an individual mobile home and shall not waive any other requirements of this amendment for said mobile home.

(iv) A change in ownership of a mobile home shall void any previously granted variance for said mobile home and that mobile home shall subsequently be required to meet all requirements of this amendment.

(v) No variance shall be granted to any mobile home that is part of a rental agreement, rent-to-own agreement, owner-financed sale agreement, or any other such arrangement.

(vi) A homeowner may request a variance in writing to the town clerk who has had a loss of dwelling due to fire, tornado, hurricane, flooding, or any other natural disaster, and wishes to use a travel trailer, motor home, camper, or any other recreational vehicle as a temporary residence until permanent residence can be repaired, constructed, or replaced. Homeowner must state in request the amount of time needed. (This does not apply to rental property.)

The request may be granted or denied by the town council. A three-fifths (3/5) vote of the town council present and voting shall be required to grant a variance.

ARTICLE G. Rental Property

The purpose of this article is to protect the public health, safety, and general welfare of the people of the town in non-owner occupied dwellings.

A. Application.

(1) *Requirements.* Every building and its premises used in whole or in part as a single-family or multiple-family rental dwelling or residence, or as any accessory structure thereof, shall conform to the requirements of this chapter. This establishes minimum standards for erected dwelling units, accessory structures and related premises. This chapter applies to mobile homes, houses, and land that are rented to be occupied by someone other than the owner. Said rules shall apply regardless of the amount of money charged for the rental of a property.

(2) *Exemptions.* There are hereby exempted from the coverage of this chapter the following:

- (a) Duly licensed hotel and motel units occupied by transient guests for short periods of time.
- (b) Duly licensed nursing homes.
- (c) Duly licensed homes for the elderly.

(3) *Zoning ordinance.* Nothing in this chapter shall be interpreted as permitting operation of a rental dwelling at any location in violation of the zoning ordinances of the town.

(4) If regulations exist within a particular subdivision, street, or neighborhood which is stricter than the guidelines set forth in this ordinance, the stricter regulations shall apply.

B. Definitions.

As used in this chapter, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended:

(1) *Adjacent property*: any Zone R1, R2, or SI property immediately in front of, behind, or located on either side of a property in question (including any property directly across any street or roadway from a property in question). All adjacent property owners shall be considered equally regardless of how much property they own adjacent to the property in question.

(2) *Approved*: complying with all applicable town ordinances and codes.

(3) *Building*: any structure whether manufactured elsewhere and placed on premises or whether erected on the premises for the shelter of persons, animals, chattels, or movable property of any kind.

(4) *Building inspector*: an inspector, appointed by the town, for the purpose of inspecting any and all mobile homes, rental dwellings, or other properties that are within the town limits.

(5) *Dwelling*: a mobile home, house, or other structure that is being used for one or more persons living ~~or other purposes~~ as a single housekeeping unit with cooking facilities, but not including units in hotels, motels, boarding houses, travel trailers, campers or the like.

(6) *Dwelling unit*: a single residential accommodation which is arranged, designed, used or, if vacant, intended for use exclusively as a domicile for one (1) family.

(7) *Flush toilet closet*: the room in which a toilet bowl flushes with water where a water sealed trap is located.

(8) *Garbage*: a substance that decomposes at a certain temperature in contact with air or moisture; putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

(9) *Habitable building*: any building or part thereof that meets minimum standards for use as a home or place of abode by one (1) or more persons.

(10) *Habitable room*: a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes, excluding bathrooms, water closet compartments, laundries, furnace room, unfinished basements (those without floor covering, ceiling covering, wall finish, required ventilation, required electric outlets and required exit facilities), pantries, utility rooms of less than fifty (50) square feet of floor space, foyers, communicating corridors, stairways, closets, storage spaces, and workshops, hobby and recreation areas in parts of the structure below ground level or in attics.

(11) *Immediate family member*: a parent, sibling, child, grandparent, or grandchild.

(12) *Kitchen*: a space which contains a sink with counter working space, adequate space for installing cooking and refrigeration equipment, and adequate space for the storage of cooking utensils.

(13) *Mobile Home or Trailer*: any vehicle, covered or uncovered, used for living, sleeping, business, or storage purposes; having no foundation other than wheels, blocks, skids, jacks, horses or skirting; and which is, has been, or reasonably may be equipped with wheels or other devices for transporting the vehicle from place to place, whether by motive power or other means. Mobile homes that fall under classification of "modular homes" shall be included in this definition.

(14) *Multiple family dwelling*: a dwelling or portion thereof containing two (2) or more dwelling units.

(15) *Occupant*: any person including owner or operator living, sleeping, cooking, or eating in a dwelling unit.

(16) *Operator*: the owner or his agent who has charge, care, control, or management of a building, or part thereof, in which dwelling units or rooming units are let.

(17) *Owner*: any person, partnership, firm or corporation who, alone, jointly or severally with others, shall be in actual possession of, or have charge, care or control of, any dwelling or dwelling unit within the city as owner, employee or agent of the owner, or as trustee or guardian of the estate or person of the title holder. Any such person representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as the owner.

(18) *Persons*: an individual, firm, partnership, association, corporation or joint venture or organization of any kind.

(19) *Plumbing*: all of the following supplied facilities and equipment in a dwelling: gas, pipes, gas burning equipment, water pipes, steam pipes, garbage disposal units, wastepipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar fixtures and the installation thereof, together with all connections to water, sewer and gas lines.

(20) *Premises*: a platted lot or part thereof or unplatted parcel of land, either occupied or unoccupied by any dwelling or non-dwelling structure, including such building, accessory structure or other structure thereon.

(21) *Public hall*: a hall, corridor or passageway for providing egress from a dwelling unit to a public way and not within the exclusive control of one (1) family.

(22) *Refuse*: all putrescible and non-putrescible waste solids including garbage and rubbish.

(23) *Rental (or Rent)*: any rental agreement, rent-to-own agreement, lease, lease-purchase, owner-financed sale agreement, or any other similar agreement between a property owner and another individual, group of individuals, or other entity in which there is no actual transfer of ownership and transfer of title of the property that would constitute a bona fide sale. Said rules shall apply regardless of the amount of money charged for the rental of a property.

(24) *Rental dwelling*: a mobile home, house, or other structure intended to be used for rental purposes.

(25) *Recreational vehicle*: a vehicle which is self-propelled or designed to be towed by a motor vehicle or similar prime mover but is not designated to be used as a permanent dwelling even if it contains plumbing, heating and electrical systems that may be operated with or without connection to outside utilities, including a travel trailer, camper or another similar vehicle which is designed as temporary living quarters for recreational, camping or travel use.

(26) *Repair*: to a sound and acceptable state of operation, service ability or appearance.

(27) *Revocation of license*: action by the town council to take away the rental dwelling occupational license from the owner for failure to comply with the requirements of this chapter.

(28) *Rodent harborage*: any place where rodents can live, nest or seek shelter.

(29) *Rubbish*: non putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, grass and shrubbery clippings, wood, glass, brick, plaster, bedding, crockery, and similar materials and stripped motor.

(30) *Safety*: the condition of being reasonably free from danger and hazards which may cause accidents or disease.

(31) *Subdivide or subdivision*: the division of a lot, tract, or parcel of land into two (2) or more lots, plots, parcels, or building sites. It also includes the resubdivision or rearrangement of one or more lots, plots, parcels, or building sites.

(32) *Substandard dwelling*: any dwelling which does not conform to the minimum standards established by the Town Code.

(33) *Supplied*: paid for, furnished by, provided by or under the control of the owner, operator, or agent of a dwelling.

(34) *Tenant*: any person including owner or operator living, sleeping, cooking, and eating in dwelling unit.

(35) *Town*: Town of Livonia.

(36) *Travel Trailer*: A unit designed to serve as a self-contained living quarter for recreation which is built on a frame with wheels designed to be towed by a car/van or pickup truck by means of a bumper or frame hitch.

Meaning of certain words—whenever the words "dwelling" "dwelling unit," "premises," or "structure" are used in this section, they shall be construed as though they were followed by the words "or any part thereof."

(Ordinance 2009-187, adopted 5/11/09; Ordinance 2011-195, adopted 1/10/11)

C. License required. (FOR TWO OR MORE RENTAL PROPERTIES)

The following requirements shall apply to licenses:

- (1) No person shall rent any building or mobile home, house or land to any person for dwelling purposes without obtaining an annual occupational license and paying the fee required by Chapter 12 of this Code.
- (2) Applications shall be made to the town clerk, on forms supplied by the clerk. Each applicant shall provide the name and address of the applicant. If the applicant is a corporation or limited liability company, the application shall name the principal officers of the corporation or the members or the members of the limited liability company and the registered agent for service of process for the corporation or Limited Liability Company. If the applicant is a partnership, the application shall name the individual partners. The principal officers, the members, and the individual partners shall be personally responsible for complying with this chapter. The applicant shall provide the address and apartment number, if any, of each dwelling unit on the application.
- (3) Rental property owners are required to appoint a person-in-charge for their rental properties and to include that information with their annual occupational license application as to who that person is and the contact information. Property owners who live within 25 miles of the Town of Livonia may act as their own person-in charge. Property owners who live further away must appoint someone who is local and is 25 years old or older. Owner must inform the town clerk of any changes to the person-in-charge after application has been filed.

D. Rental mobile home or house requirements.

(1) No owner or other person shall occupy or let to another person any rental dwelling, dwelling unit or rooming unit unless it and the premises are clean, sanitary, fit for human occupancy, and comply with all applicable legal requirements of the state and the town, including the following requirements:

(a) Any individual that wishes to use a mobile home or house for the purpose of rental within the city limits of the Town of Livonia may do so without the objection of the property owners of the land adjacent to the proposed rental property and the Town Council.

(b) A written petition of no objection signed by at least seventy-five (75) percent of the owners of the property adjacent to the lot on which the mobile home or house is located or is

sought to be located shall be required prior to renting or moving said mobile home or house. The petition shall be in writing and shall include specific details about the proposed rental dwelling (such as the age and condition of the dwelling) and proposed use of the property. Said petition shall be filed at the Town Hall.

(c) Any mobile home or house that is to be moved onto a lot for the purposes of rental shall also meet the requirements of this section prior to moving said mobile home or house onto the land where the rental will take place. These requirements shall also be met for a mobile home or house that is currently being rented prior to moving it to a different location with different adjacent property owners.

(d) If said mobile home or house changes ownership, it shall be required to again meet the requirements of this section prior to continuing its use as a rental dwelling.

Exceptions to D (1) above are as follows:

(i) Any individual mobile home or house being used as a rental dwelling within the city limits of Livonia at the time of enactment of this ordinance (*January 10, 2011*) shall be said to be "grandfathered in" and will be allowed to continue its current use as a rental property on the same site where it is located or parked unless ownership of said mobile home or house changes.

(ii) If a grandfathered rental mobile home or house needs to be repaired or replaced, it shall be allowed to continue as rental property after it is repaired or replaced by another mobile home or house at the same site where it is located indefinitely as long as there is no change of ownership of said mobile home or house.

(iii) At the time of change of ownership, a grandfathered rental mobile home or house may be allowed to continue its use as a rental dwelling as the same site where it is located only upon approval by the Town Council.

(iv) Transfer of ownership of a rental mobile home or rent house that is owned by an individual to a member of his or her immediate family shall not constitute a transfer of ownership for the purpose of this ordinance (*Ordinance 2011-195*).

(v) Homes present in the town limits that are being used as rental property at the time of passage of this amendment (*January 11, 2007*), but do not meet all requirements of this amendment, shall be allowed to continue to be used as rental dwellings. However, any change of ownership of said homes shall require the new owner to comply with all requirements of this amendment before any further rental of the property will be allowed.

(2) Rental of single-family dwellings to single-family occupants will be allowed provided all other criteria as specified in this chapter are met. In no circumstances will sub-renting be allowed whereby an individual who is renting a piece of property / dwelling, rents said property/dwelling to a third party.

No person shall let to another for occupancy any dwelling or dwelling unit, for the purpose of living, sleeping, cooking or eating therein, which does not comply with the following requirements:

(a) The dwelling shall comply with any other current parish, state, federal, and municipal ordinances in place.

(b) All windows and doors shall be intact without any breaks or structural defects. No plywood or other coverings shall substitute for a window or door.

(c) Any house or other dwelling that is to be moved onto a lot for the purposes of rental shall meet the requirements of Section 18.1, prior to moving said house or dwelling.

(d) The owner of the rental property shall submit to periodic inspections of the rental dwelling by an inspector duly appointed by the Town of Livonia.

(e) Installation, setup, anchoring, etc. shall be according to HUD standards, and the Louisiana Manufactured Housing Commission as per R.S. Title 51, Trade and Commerce, 912.21-912.53.

(f) All mobile homes must meet the manufacturing standards established by the 1994 requirements by HUD and the Louisiana Manufactured Housing Commission as per R.S. Title 51, Trade and Commerce.

(g) The siding of the mobile home shall be painted metal, vinyl, Masonite, wood or other compatible-looking material meeting HUD and the Louisiana Manufactured Housing Commission as per R.S. Title 51, Trade and Commerce. This outside appearance shall be maintained during the term of the mobile home's stay in the Town of Livonia.

(h) The roof must be intact with no leakage and shall have a roof pitch as required by HUD and the Louisiana Manufactured Housing Commission as per R.S. Title 51, Trade and Commerce, and shall have a surface of wood shakes, asphalt composition, wood shingles, fiberglass, or metal. The roofing materials that cover the home must be uniform (composed of the same material which is of the same color and consistency).

(i) *Maintenance of yards.* Every owner is responsible for ensuring that each dwelling unit owned by him complies with the provisions of Chapter 24, with the provision that maximum height of grass not exceed twelve (12) inches.

(j) *Pest extermination.* Every owner of a rental dwelling or dwelling unit shall be responsible for the extermination of vermin and rodents on the premises. No owner or occupant of a dwelling or dwelling unit shall accumulate fire wood, rubbish, boxes, lumber, scrap metal, or any other materials in such manner that may provide a rodent harborage in or about any dwelling or dwelling unit. No owner or occupant of a dwelling or dwelling unit shall store, place or allow to accumulate any material that may serve as food for rodents in a site accessible to rodents.

(k) Every dwelling unit shall have a space in which food may be prepared and cooked, which shall have adequate circulation area, and which shall be equipped with the following:

1. A kitchen sink in good working condition, connected to an approved water supply including hot and cold water and also connected to an approved sewer system.
2. Stove, or similar device for cooking food and a refrigerator, or similar device, for the safe storage of food at temperatures less than fifty (50) degrees Fahrenheit but more than thirty-two (32) degrees Fahrenheit under ordinary maximum summer conditions.

(l) *Toilet facilities.* Within every dwelling unit there shall be a room which affords privacy to anyone within said room and which is supplied with a flush toilet in good working condition, connected to an approved water and sewer system.

(m) *Lavatory sink.* Within every dwelling there shall be a lavatory sink; said sink may be in the same room with the flush toilet or if located in another room, the sink shall be placed in close proximity to the door leading directly into the room containing the flush toilet; said lavatory sink shall be connected to an approved water system with both hot and cold water and also connected to an approved sewer system.

(n) *Bathtub or shower.* Within every dwelling unit there shall be a room which affords privacy to a person within said room and which is equipped with a bathtub or shower in good working condition. Said tub or shower can be in the same room with the flush toilet or in another room, shall be properly connected to an approved water system with hot and cold water, and connected to an approved sewer system.

(o) *Egress.* Every dwelling unit shall have at least two (2) means of egress at each level leading to a safe and open space at ground level.

(p) *Steps and Handrails.* Each mobile home shall have steps and structurally sound handrails leading up to any and all entrances & exits of the home.

(q) *Access.* Access to or egress from each dwelling unit shall be provided without passing through any other dwelling or dwelling unit.

(r) *Door locks.* No owner shall occupy or let to be occupied any dwelling or dwelling unit unless all exterior doors of the dwelling or dwelling unit are equipped with safe, functioning lock devices.

(s) *Electric service, outlets and fixtures.* Every dwelling unit and all public and common areas shall be supplied with electric service, over-current protection devices, electric outlets, and electric fixtures which are properly installed, which shall be maintained in safe working condition, and shall be energized by an approved source of electric power and in compliance with the applicable ordinances of the city and state.

(t) *Exterior foundations and exterior walls.* The foundation and exterior walls shall be substantially water tight and protected against vermin and rodents and shall be kept in sound condition and repair. The foundation shall adequately support the building at all points. Every exterior wall shall be free of deterioration holes, breaks, loose or rotting boards or timbers and any other thing that might admit rain or dampness to the interior portion of the walls.

(u) *Floors, interior walls, ceilings.* Every floor, interior wall, and ceiling shall be adequately protected against the passage and harborage of vermin and rodents, and shall be kept in sound condition and good repair. Every floor shall be free of rotted flooring materials. Every interior wall and ceiling shall be maintained in a tight weatherproof condition.

(v) *Rodent-proof.* Every dwelling and accessory structure and the premises upon which it is located shall be maintained in a rodent-free and rodent-proof condition. All openings in the exterior walls, foundation, basement, ground or first floors, and roofs shall be rodent-proofed.

(w) *Safe buildings.* Every foundation, roof, floor, exterior wall, interior wall, ceiling inside and outside stairways, every porch, balcony and every appurtenance thereto, shall be safe to use and capable of supporting loads that may be anticipated to be placed on them in normal use.

(x) *Facilities to function.* Every supplied facility and every piece of equipment or utility and every chimney and flue shall be installed and shall be maintained so that it functions effectively in a safe and working condition.

(y) Sewer treatment shall comply with all state, parish, and municipal standards. Each mobile home shall have its own sewer treatment system. No two or more mobile homes shall be allowed to share a common sewer treatment system unless it is part of a public sewer treatment system approved by the town for public sewer disposal.

(z) The minimum distance from any part of the mobile home to any lot line on the property on which the mobile home is parked shall be at least twenty (20) feet.

(aa) Used mobile homes locating or relocating in the corporate limits of Livonia shall be eight (8) years old or less at the time of installation.

(bb) The skirting enclosure from the bottom of the mobile home to the ground enclosing the entire perimeter of the mobile home shall be made of vinyl mobile home skirting or being vinyl lattice work with a maximum of two-inch (2") openings.

(cc) No person shall let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not have heating facilities which are properly installed, and which are maintained in safe condition, and which are capable of adequately heating all habitable rooms in every dwelling unit at a temperature of at least sixty-eight (68) degrees Fahrenheit at a distance of three (3) feet above floor level and three (3) feet from any exterior wall at any outside temperature of twenty-five (25) degrees Fahrenheit. Gas or electric appliances previously designed for cooking or water heating purposes, shall not be considered as heating facilities under this section. Portable heating equipment using flame and liquid fuel does not meet the requirements of this section and is prohibited.

(dd) No person shall let to another for occupancy, any dwelling or dwelling unit, for the purpose of living therein, which does not have either a central air conditioning unit and/or window air conditioning unit(s) which are properly installed, and which are maintained in a safe condition, and which are capable of adequately cooling all habitable rooms in every dwelling unit at a temperature of at least eighty (80) degrees Fahrenheit at a distance of three (3) feet above floor level and three (3) feet from any exterior wall at any outside temperature of ninety-five (95) degrees.

(ee) Only one mobile home shall be allowed on an individual lot.

(ff) Mobile homes shall not be allowed to be utilized for commercial business, as an extension of a commercial business, or as a storage structure for a commercial business or residence or other similar use within the town limits.

(gg) Travel trailers, motor homes, campers, and any other recreational vehicles are prohibited from being placed on a lot and used as a dwelling or occasional use.

(hh) The mobile home owner shall have ninety (90) days to comply with the above requirements ((D) Rental Mobile Home) after the building permit clearance is issued by the Town of Livonia.

3. Land for rent

(a) Any individual (or other entity) owning a parcel of land within the town limits shall be allowed to rent said property for the purpose of locating a dwelling owned by another individual (or other entity) on said property only if all requirements of this section are met.

(b) A written petition of no objection signed by at least seventy-five (75%) percent of the owners of the property adjacent to the parcel of land in question shall be required. The petition shall be in writing and shall include specific details about the proposed use of the property. Said petition shall be filed at the Town Hall.

(c) If approved by the aforementioned seventy-five (75%) percent of adjacent property owners, the petition shall be submitted to the town council prior to final approval by a majority vote of the council present.

(d) If said rental property changes ownership the property shall again meet the requirements of this section prior to continuing its use as a rental property.

(e) An exception to (d) above will be made only in the case that a property changes ownership while it is currently being rented to an individual that is residing in a dwelling located on said property. Only that individual will be allowed to continue renting the property until such time as he or she moves from the property. At that time all requirements of this amendment shall be met before the property can be rented again.

(f) In no circumstances will sub-renting be allowed whereby an individual who is renting a piece of land, places a dwelling on said piece of land and rents said dwelling to a third party.

(g) Said rules shall apply regardless of the amount of money charged for the rental of a property.

(h) Subdivision of any property located within the town limits for the purpose of locating more than one rental dwelling of any kind on said property (immediately or in the future) shall not be allowed.

(i) Any individual, group of individuals, or other entity that wishes to place more than one dwelling on an individual piece or parcel of property shall comply with all regulations regarding multifamily residential zoning, subdivision ordinances, and any other ordinances that may apply.

(Ordinance 92 adopted 7/11/95; Ordinance 2008-178 adopted on April 14, 2008)

Exceptions to (3) above are as follows:

(i) A parcel of land that is being used or has been used for the purpose of rental within six (6) months of the time of passage of this amendment (date) shall be allowed to continue its use as a rental property until the ownership of said property changes, at which time all requirements of this amendment shall be met prior to continuing use as a rental property.

(ii) Lending a parcel of land to an immediate family member for the purpose of locating a residential dwelling on said land shall not require approval by adjacent property owners. Immediate family member shall mean a parent, sibling, child, grandparent, or grandchild of the landowner in question.

4. NOTICE OF VIOLATION.

(a) Whenever the building inspector determines that any premises or dwelling unit fails to meet the requirements set forth in this chapter, he shall issue a notice setting forth the alleged violations of this chapter. This notice shall:

(1) Be in writing.

(2) Set forth the alleged violation of this chapter.

(3) Describe the dwelling or dwelling unit where the violations are alleged to exist or to have been committed.

(4) Provide a reasonable time, generally not to exceed ninety (90) days, for corrections to be made.

(5) Be served by registered or certified mail, postage prepaid, addressed to the owner at the address shown on owner's application for occupational license. The notice may also be served by the chief of the municipality or by any sheriff, deputy sheriff, police, or constable having jurisdiction or power to serve legal process where the owner of the building or structure is found.

(6) In the case of grave public emergency, where the condition of the dwelling is such as to cause possible immediate loss or damage to person or property, the building inspector need not provide the notice described herein, but can immediately notify the governing authority of such condition and the governing authority may proceed as outlined in Article B of this chapter.

(7) At the end of the period of time allowed for compliance, the building inspector shall re-inspect the premises or dwelling unit described in the notice and if he determines that conditions have not been corrected, he shall issue a written report recommending the revocation of the owner's occupational license required by this chapter. The mayor shall thereupon serve notice on the owner of the dwelling as listed on the application for occupational license requiring him to show cause at a meeting of the governing authority, regular or special, why his occupational license for rental dwellings should not be revoked. The date and hour of the meeting shall be stated in the notice which shall be served at least ten (10) days prior to the date of the hearing. The notice may be served by registered or certified mail, postage prepaid, addressed to the owner at his last known address. The notice may also be served by the chief of the municipality or by any sheriff, deputy sheriff, police, or constable having jurisdiction or power to serve legal process where the owner of the building or structure is found.

(8) After the hearing, if, in the opinion of the town council, the facts justify it, an order shall be entered revoking the rental dwelling occupational license of the owner. Upon good cause shown, the council may grant the owners additional time to bring the dwelling into compliance with this chapter, but in such case, the general nature of the work to be performed, the time thereof, and the defects to be corrected shall be specified in the decision of the city council. If, in the opinion of the town council, the dwelling still does not comply

with the requirements of this chapter at the end of the period specified in the decision, the town council may revoke the rental dwelling occupational license of the owner.

(9) Once the rental dwelling occupational license is revoked, it shall be illegal for the owner to rent or lease any dwellings covered by his occupational license.

(10) If an owner's rental dwelling occupational license has been revoked, he may reapply for a license upon submitting the following:

(a) An application accompanied by the proper application fee.

(b) Payment of an inspection fee of fifty dollars (\$50.00) per rental dwelling covered by the application. Council may change fee from time-to-time by resolution.

(c) Written report from the building inspector stating that all dwelling units are in compliance with the ordinance.

5. Repairs and other corrective action.

Whenever a grave public emergency, where the condition of the rental unit is such as to cause possible immediate loss or damage to person or property exists or when an owner of any premises or dwelling unit fails, neglects, or refuses to make repairs or take other corrective action as required by this chapter, and the delay for making those repairs or taking corrective action specified in the building inspector's notice has passed and the dwelling is in a dilapidated and dangerous condition which endangers the public welfare, the governing authority may proceed in accordance with the law relating to demolishing dilapidated or dangerous buildings as outlined in Article B of this Chapter.

6. Nuisance incident notice.

a. When Livonia Police Department has been dispatched to the same property on four or more nuisance service calls within any twelve (12) month period; the town may issue a written nuisance incident notice to the owner of the property and tenant, if applicable. The nuisance incident notice may be served upon the owner of said property by regular mail, to the mailing address indicated on the last equalized assessment roll of the Pointe Coupee Parish Assessor's Office, or served by the chief of the municipality or by any sheriff, deputy sheriff, police, or constable having jurisdiction or power to serve legal process where the owner of the building or structure is found.

b. The nuisance incident notice may be served upon a tenant by regular mail, to the tenant's last known address or served by the chief of the municipality or by any sheriff, deputy sheriff, police, or constable having jurisdiction or power to serve legal process where the tenant of the building or structure is found. The service of a nuisance incident notice, as provided in this section, shall be prima facie evidence that the owner or tenant served is the

person in control of the property and has knowledge of and has permitted subsequent conduct or behavior at or upon the property.

c. The nuisance incident notice authorized by this section shall: (i) identify the type and specific location of nuisance service call(s), including tenant or lessee names where applicable; (ii) summarize the evidence of the nuisance occurring on the property; (iii) provide the dates on which the nuisance calls for service were made and the dates of any prior responses by the Livonia Police Department to nuisance incidents on the property; and (iv) warn the owner of the property and any tenant that future nuisance service calls may subject them jointly and severally to liability for the cost associated with any response to such nuisance service call, based upon the actual cost of the response.

7. Revocation of rental housing business license.

In addition to the remedies specified in Section 18.16, in the event the owner fails to pay the amount set forth in the statement of abatement costs or in the event a subsequent nuisance abatement notice is served pursuant to Section 6(C), owner's rental housing business license shall be revoked pursuant to Section 4 of this code.

8. Nuisance, injunction.

Any violation of this chapter is hereby declared to be a nuisance. In addition to any other relief provided by this chapter, the town attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this ordinance. Such application for relief may include seeking a temporary restraining order, temporary injunction, or permanent injunction.

9. Penalty.

Any person, firm, or corporation violating any provision of this chapter shall be fined five hundred dollars (\$500.00) for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Amended March 12, 2018)

ORDINANCE NO. 2026-270

AN ORDINANCE REVISING ARTICLE B OF CHAPTER 18 OF THE TOWN'S ORDINANCES REGARDING THE CONDEMNATION AND REMOVAL OF DILAPIDATED AND DANGEROUS STRUCTURES WITHIN THE CORPORATE LIMITS OF THE TOWN OF LIVONIA, LA

Article B. Dilapidated and Dangerous Structures – Building Abatement

Section 18.11 Removal; condemnation of buildings

The council, in accordance with R.S. 33:4761 *et. seq.* may condemn and cause to be demolished or removed any building or structure within the town when it is in a dilapidated and dangerous condition which endangers the public welfare. For the purposes of this Article, “dilapidated” shall mean that the building or structure is in such a condition as to constitute a “public nuisance,” as that term is defined in La. R.S. 33:1374.

Section 18.12 Notice to owner; absent owner; hearing

- A. An inspector for the town may enter, at reasonable times, any premise in the town to inspect such premises for compliance with this Chapter.
- B. Before the council may condemn any building or structure, there must be submitted to it a written report recommending the demolition or removal of the building signed by a town official or other person authorized to act on behalf of the town for such matters. The clerk shall thereupon serve notice on the owner of the building or structure requiring him to show cause at a meeting of the council, regular or special, why the building or structure should not be condemned. The date and hour of the meeting shall be stated in the notice which shall be served at least ten (10) days prior to the date of the hearing, except in case of grave public emergency as hereinafter provided.
- C. The notice may be served by the chief of police or police officer or by any other official authorized by the law to serve legal process where the owner of the building or structure is found in the state, and the officer shall make return of the service as in ordinary cases. Alternatively, 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. 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 Subparagraph shall be considered personal service and is effective when mailed.
- D. 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.

- E. In case of grave public emergency where the condition of the building is such as to cause possible immediate loss or damage to person or property, the council may condemn the building after twenty-four (24) hours notice served upon the owner or his agent or the occupant and attorney at law appointed to represent the absentee owner. 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.
- F. Any notice served pursuant to this Article shall be filed with the recorder of mortgages for the Parish of Pointe Coupee. 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. 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 fifty percent damaged.

Section 18.13 Decision of council; order to demolish or repair

- A. After the hearing, if, in the opinion of the council the facts justify it, an order shall be entered condemning the building and ordering that it be demolished or removed within a certain delay. If repairs will correct the dilapidated, dangerous, or unsafe condition, the council may grant the owner the option of making such repairs, but in such a case the general nature or extent of the repairs to be made, the time thereof, and the defects to be corrected, shall be specified in the decision of the council.
- B. The decision and order of the council shall be in writing and shall be final unless appealed within five (5) days as provided in this Article.

Section 18.14 Appeal

The owner, occupant, agent, or other representative of the owner may appeal from the decision of the council to the Eighteenth Judicial District Court . The appeal shall be made by the filing of a suit against the town, setting forth the reasons why the decision or order of the council is illegal or improper, and the issue shall be tried *de novo* and by preference in the district court. Where a grave public emergency has been declared by the council, the owner of the building who desires to prevent the demolition or removal thereof must file his petition within forty-eight (48) hours of the posting of the notice of the demolition or removal order on the property and must, at the time of the filing of the petition, furnish such bond as may be fixed by the district judge to cover any damage that might be caused by the condition of the building. Either party may appeal from the judgment of the district court as in other cases.

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

- A. The owner or his designated agent may proceed to demolish and remove the building, or have it repaired, in accordance with the order of the council, provided the owner or his agent executes a contract in writing obligating himself to have the work done within the required time and files with the council a copy of the contract, together with a bond to guarantee performance.
- B. In the event the owner or occupant of the building or structure fails or refuses to comply with the decision of the council and fails to appeal therefrom within the legal delays provided herein, then, in that event, the town may proceed with the demolition or removal of the condemned building or structure, in which case the mayor, the council, and the town may not be held liable for damages.
- C. Prior to the demolition or removal of the building or structure by the council, the mayor or some official designated by him shall serve notice on the owner, or his agent, and on the occupant of the building, if any there be, or upon the attorney at law appointed to represent the minor, interdict, or absentee owner, giving the time when work will begin upon the demolition or removal of the building.
- D. In cases of grave public emergency, the posting of the notice attached to the door or main entrance of the premises or in a conspicuous place on the exterior of the premises giving the time when work will begin upon the demolition or removal of the building or structure shall be considered sufficient notice to the owner, occupant, or attorney at law appointed to represent the minor, interdict, or absentee owner.
- E. The council, as an alternative to demolition or removal, may make the repairs necessary to correct the defects in a condemned structure. The council may take such action only after a demolition or removal order has been issued and the delay for a legal appeal has run, or an appeal has been denied, and when in the discretion of the council such action will restore the structure to a state of usefulness to the community. The decision of the council to repair the structure may be appealed in the same manner as provided in this Article.
- F. In the event that the council decides to make the repairs necessary to correct the defects in a condemned structure, the costs of repairs plus a ten percent penalty thereon shall be reimbursed by the owner of the condemned property, and such costs and penalty shall operate as a lien and privilege on the property in favor of the town. Until such time as the costs and penalty have been paid, the town may lease such property and apply all revenue received to the amount owed by the owner and to the necessary maintenance of the structure.

Section 18.16 Lien and privilege for cost of demolition by council

- A. If the town undertakes demolition or removal under this Article, the town shall have a privilege and lien upon the immovable property and its improvements, and the property owner is personally liable for:
- (1) The cost to the town for maintenance of the immovable property or improvements; and
 - (2) The cost to the town for demolishing or removing, or both, a building or other structure situated upon the immovable property or improvements thereon, and all attorney fees incurred by the town in connection with such demolition or removal.
- B. "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 town and reasonable opportunity to be heard, to pay the costs incurred by the town. Service of notification of accrued costs shall be effectuated in the same allowable manners as provided in Section 18.12.
- D. The privilege and lien shall be preserved by the filing and recording of an affidavit signed by the mayor or his designee in the mortgage office of Pointe Coupee Parish. The affidavit shall include a description of the property sufficient to reasonably identify the immovable property and a statement of facts listing the approximate costs incurred by the town.
- E. (1) The privilege and lien shall be enforced by ordinary process in the Eighteenth Judicial District Court 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, mayor may send an attested bill of said costs and expenses which constitute the lien and privilege to the Pointe Coupee Assessor, who shall add the amount of the bill to the next property tax bill of the owner. The lien obtained by the town pursuant to proper notification and filing shall include not only the costs provided for in Subsection A of this section, but shall also 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 property or its improvements.
- (2) The town shall also recover interest on the amounts secured by the lien. The interest shall not exceed the rate of legal interest provided in La. R.S. 9:3500 and shall be computed from the date of recordation of the lien until paid. The privilege and lien of the town 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 18.12, regardless of the date on which the lien and privilege of the town is perfected, except that the lien and privilege of the town will not prime other tax liens against the property.

- F. The lien of the town 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 town. Such action may be brought by ordinary proceeding in any court of competent jurisdiction.
- H. (1) If property, which may be subject to a lien and privilege granted in favor of the town 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, then the town shall notify each owner in indivision of his liability under this section.
- (2) Upon failure of each owner in indivision to pay his 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 his proportionate share, as listed on the ad valorem tax roll, 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 his 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 property tax rolls of Pointe Coupee Parish.

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

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

Said Ordinance having been introduced on May 11, 2026, by LeJeune notice of public hearing have been published, said public hearing having been held, the title having been read and the Ordinance considered, a motion was made by LeJeune and seconded by Bergeron to adopt the Ordinance. A record vote was taken and the following results were had:

YEAS: Bergeron, L. Jarreau, T. Jarreau, LeJeune, Webre

NAYS: None

ABSENT: None

ABSTAIN: None

Whereupon, the Ordinance was declared adopted on this 9th day of June 2026.

ATTEST and delivered to the Mayor
June 10, 2026

Donna Bergeron, MMC
Town Clerk, Livonia, Louisiana

APPROVED and delivered to the Clerk
June 10, 2026

Rhett Pourciau, MAYOR
Town of Livonia, Louisiana