

**AN ORDINANCE ADDING SECTION 12-5046 MINIMUM
STANDARDS FOR BASIC EQUIPMENT AND FACILITIES
TO THE CITY OF WESTLAKE CODE OF ORDINANCES.**

SECTION 12, CHAPTER 5, ARTICLE H - STANDARD HOUSING CODE

Section 1:

There is hereby adopted by the City of Westlake that certain housing code known as the Southern Standard Housing Code, being particularly the 1985 edition (hereinafter referred to as the "code"), and the whole thereof, saving and excepting such portions of the code as are hereinafter deleted, modified or amended.

The same is adopted and incorporated as fully as if set out at length herein, and the provisions thereof, shall be controlling in the maintenance of all buildings and structures therein contained within the incorporated limits of the City of Westlake, Louisiana.

No less than three (3) copies of the code have been and are now filed in the office of the City Clerk.

Section 2:

The term "housing official" as used in this article and the code adopted hereby is to mean the building official, or his designated representative. The building official shall be deemed responsible for the enforcement of the provisions of the adopted Standard Code.

Section 3:

(a) *Chapter One.*

- (1) This Code establishes minimum standards for the replacement or repair of buildings, except such as are contrary to the provision of this Code, and does not replace or modify standards otherwise established for construction.
- (2) Buildings or structures moved into or within city shall comply with the requirements of the Code.
- (3) Repairs or alterations, not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this Code or in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed.
- (4) All existing buildings or structures and all parts thereof shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this Code in a building when

repaired or demolished shall be maintained in good working order. The owner, or his designated agent, shall be responsible for the maintenance of buildings, structures, and premises.

- (5) An officer or employee connected with the Building Official or Permit Department shall not be financially interested in the furnishing of labor, material, or appliances for the restoration or maintenance of a building, unless he is owner of the building. Such officer or employee shall not engage in any work which is inconsistent with his duties or with the interest of the department.
- (6) Unsafe Buildings and Structures.
 - (A) All buildings or structures which are unsafe, unsanitary, unfit for human habitation, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are considered unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition.
- (7) Any requirement not specifically covered by this Code found necessary for the safety, health and general welfare of the occupants of any dwelling shall be determined by the Housing Official and is subject to appeal to the City of Westlake.
- (8) Any officer or employee charged with the enforcement of this Code, in the discharge of his duties, shall not thereby render himself liable personally and is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of his duties. Any suit brought against any officer or employee because of this Code shall be defended by the City of Westlake until the final determination of the proceedings. This provision shall not apply to any intentional or criminal act by the Housing Official.
- (9) The Housing Official shall make or cause to be made inspections to determine the condition of buildings and structures and premises in the interest of safeguarding the health and safety of the occupants of such buildings and structures and of the general public. For the purpose of making such inspection, the Housing Official, or his agent, is hereby authorized to enter and examine, at all reasonable times, all buildings and structures and premises. The owner, occupant, or the person in charge of a building thereof shall give the Housing Official free access to such buildings and structures and its premises, at all reasonable times for the purpose of such inspection and examination.
- (10) Where the literal application of the requirements of this Code would appear to cause undue hardship on an owner or tenant or when it is claimed that the true intent and meaning of this Code or any of the regulations therein have been misconstrued or wrongly interpreted, the owner of such building or structure, or his duly authorized agent, may appeal the decisions of the Housing Official to the City of Westlake in accordance with city procedures, as provided by _____ of the Code of Ordinances.

- (11) Any person receiving written notice from the Housing Official of deficiencies in his property may enter an appeal to the City of Westlake. Furthermore, any person receiving written notice of condemnation from the Housing Official may enter an appeal to the City of Westlake at which the public hearing on the building's or structure's condemnation/demolition is to be held, as provided by _____ of the Code of Ordinances.
- (12) Any person, firm, corporation or agent, who shall violate a provision of this Code, or fail to comply therewith, or with any of the requirements thereof, or who shall repair or demolish any structure, or has repaired or demolished a building or structure in violation of this Code shall be prosecuted within the limits provided by State or local laws. Each person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, or continued and upon conviction of any such violation, such person shall be punished within the limits and as provided by State laws.
- (13) Any owner, authorized agent, or contractor who desires to construct, enlarge, alter, repair, move or demolish, or change a building or structure or to cause any such work to be done, shall first make application to the Permit Office of the City of Westlake and obtain the required permit therefor.

(b) *Chapter Two.*

(1) *"Special Meaning":*

Whenever the words "dwelling," "dwelling units," "rooming house," "rooming units," "premises," "building" or "structure" are used in this Code, they shall be construed as though they were followed by the words, "or any part thereof."

(2) *"Definitions":*

- a. ABANDONED MOTOR VEHICLE—any motor vehicle which does not have lawfully affixed thereto both an unexpired license plate or plates, and a valid motor vehicle safety inspection certificate, and the condition of which is one (1) or more of the following: Wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded. Exception: The provisions of this definition shall not apply to any motor vehicle in operable condition specifically adopted or constructed for racing or operation on privately owned drag strips or raceways nor shall they apply to any motor vehicle retained by the owner for antique collection purposes rather than for salvage or transportation.
- b. ALTER OR ALTERATION—any change other than incidental repairs which would prolong the life of the supporting members of a building or structure such as the addition, removal or alteration of bearing walls, columns, beams, girders or foundations.
- c. APARTMENT—a room or suite of rooms with culinary facilities designed for or used as living quarters for a single family.

- d. BUILDING—any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel. The term "Building" shall be construed as if followed by the words "or part thereof."
- e. DORMITORY—a building intended or used principally for sleeping accommodations where such building is related to an educational or public institution, including religious institutions and hospitals.
- f. DWELLING—any building which is designed for or used exclusively for residential purposes.
- g. DWELLING UNIT—a room or group of rooms occupied or intended to be occupied as separate living quarters by a single family or other group of persons living together as a household, or by a person living alone.
- h. FAMILY—one or more persons who are related by blood or marriage living together and occupying a single housekeeping unit with single culinary facilities; or, a group of not more than four (4) persons living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a nonprofit, cost-sharing basis, excluding community homes in accordance with R.S. 28:477. The usual domestic servants residing on the premises shall be considered as part of the family.
- i. FLOOR AREA—the sum of the gross horizontal areas of the several floors of the main building, but not including the area of roofed porches, terraces or breezeways. All dimensions shall be measured between exterior faces of the walls.
- j. GARBAGE—all putrescible waste matter except sewage and recognizable industrial by-products. It includes putrescible vegetable matter, animal offal and animal carcasses.
- k. HOTEL—a building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests and transients and where only a general kitchen and dining room are provided within the building or in an accessory building.
- l. HOUSING OFFICIAL—the Building inspector, or his designated representative, charged with the administration and enforcement of this Code.
- m. MULTIPLE DWELLING—a building used or designated as a residence for two (2) or more families living independently of each other and doing their own cooking therein, including apartment houses, apartment hotels, flats and group houses.
- n. RUBBISH—all nonputrescible waste matter, except ashes, from any public or private establishment, institution or residence.

- o. STRUCTURE—a combination of materials other than a building to form a construction that is safe and stable and includes among other things stadiums, platforms, radio towers, sheds, storage bins, fences and display signs.

(c) *Chapter Three.*

- (1) No person shall occupy as owner-occupant or let or sublet to another for occupancy any dwelling, dwelling unit, building or structure designed or intended to be used for the purpose of living, sleeping, cooking or eating therein, nor shall any vacant dwelling, building or structure be permitted to exist which does not comply with the following requirements.
- (2) All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of the same. The water closet, tub or shower and lavatory shall be located in a room affording privacy to the user. Bathrooms shall be accessible from habitable rooms, hallways, corridors or other protected or enclosed areas.
- (3) Every habitable room shall have at least one window or skylight facing directly to the outdoors.
- (4) Every habitable room shall have at least one window or skylight which can be easily opened, or such other device as will adequately ventilate the room.
- (5) Every owner of a building or structure shall be responsible for maintaining in a clean and sanitary condition the shared or common areas of the building or structure and premises thereof in accordance with this Code and the Calcasieu Parish Health Unit.
- (6) Every tenant of a dwelling, building or structure shall keep in a clean and sanitary condition that part of the dwelling, building or structure and premises thereof which he occupies or which is provided for his particular use.
- (7) Every tenant of a dwelling, building or structure shall dispose of all his garbage and any other organic waste which might provide food for rodents and all rubbish in a clean and sanitary manner by placing it in the garbage disposal facilities or garbage or rubbish storage containers.
- (8) Designation of unfit Buildings and Structures and Legal Procedure for Condemnation.
- (9) Whenever the Housing Official has declared a dwelling, building or structure as unfit for human habitation and constituting a nuisance, he shall give notice to the owner of such declaration and shall placard the dwelling, building or structure as unfit for human habitation.
- (10) Any dwelling unit, building or structure which shall be found to have any of the following defects shall be condemned as unfit for human habitation and declared to be a nuisance and shall be so designated and placarded by the Housing Official.
- (11) Whenever the Housing Official has declared a building or structure as unfit for human habitation and constituting a nuisance, he shall give notice to the owner of such declaration and placarding of the building or structure as unfit for human habitation.

(12) The requirement for notice to the owner shall be deemed as satisfied when:

1. Notice is served upon the owner in the same manner as service of citation or other process, whether made by the sheriff, deputy sheriff or constable, or duly authorized building inspector of the parish.
2. Notice is served by registered or certified mail, return receipt requested, sent to the owner at his actual address or last known address listed on the tax rolls of the parish.
3. Notice is served in the same manner as service of citation or other process upon any mortgagee or any other person who may have a vested or contingent interest in the premises as indicated in the mortgage or other public records of the parish, if the owner is absent or is unable to be served in accordance with (1) or (2) of this section.
4. Notice is made by publication once a week for two (2) weeks consecutively in the official city journal, if the owner is absent or is unable to be served in accordance with (1), (2) or (3) above.

(13) Any building or structure which has been condemned as unfit for human habitation, and so designated and placarded by the Housing Official, shall be vacated after notice of such condemnation has been given by the Housing Official to the owner and/or occupant of the building.

(14) No building or structure which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until approval is secured from and such placard is removed by the Housing Official. The Housing Official shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

(d) *Other Amendments.*

- (1) The "Table of Contents" is hereby amended to reflect the amendments herein.
- (2) The Appendices are hereby amended to reflect amendments herein contained and shall be in conformance with city policy.

Section 4: - Other provisions.

Chapter Three, "Minimum Standards for Basic Equipment and Facilities" of the Standard Code shall be applicable to residential, as well as, nonresidential structures, as deemed appropriate by the building inspector

In any matters concerning the Standard Code which are contrary to the existing Code of Ordinances of the City of Westlake, Louisiana, the Code of Ordinances shall prevail.

Section 5: - Reserved.

This Ordinance shall become effective immediately.

Said Ordinance having been introduced on October 17, 2016, publication of proposed Ordinance having been published, the title having been read with opportunity for discussion and the Ordinance considered, on motion of Council Member _____, seconded by Council Member _____, to adopt the Ordinance, a record vote was taken and the following result was had:

YEAS: Hayes, Cryer, Bates, Racca and Brown.

NAYS: None.

ABSENT: None.

ABSTAINED: None

THUS ADOPTED AND APPROVED during Regular Session at Westlake, Louisiana, on this 21st day of November, 2016.

ROBERT "BOB" HARDEY, MAYOR

ATTEST:

ANDREA MAHFOUZ, City Clerk