

On motion by Council Member Green, and seconded by Council Member Warino, the following ordinance was introduced:

ORDINANCE 1442

An Ordinance of the Westwego City Council Amending Chapter 5 – Building and Construction, by adding Subchapter F. – Property Maintenance Code, together with all of the enumerated sections therein.

WHEREAS, the City of Westwego has an interest in the health safety and welfare of its citizens; and

WHEREAS, property and structures that are vacant, unsecured, unsafe and are dilapidated or otherwise unfit for human use or enjoyment can become a blight upon the surrounding neighborhoods; and

WHEREAS, vacant structures (whether or not boarded), substandard or unkempt structures, and long-term vacancies discourage economic development, retard appreciation of property values, and decrease the quality of life; it is the responsibility of property owners to prevent property from becoming a burden to the community and a threat to public health, safety, or welfare – one vacant structure not actively and well maintained can be the core and cause of spreading blight.

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Westwego, acting as full legislative authority for said city that Chapter 5 – Building and Construction, is hereby amended by adding Subchapter F. – Property Maintenance Code, as follows:

CHAPTER 5 – BUILDING AND CONSTRUCTION REGULATIONS

SUBCHAPTER F. - PROPERTY MAINTENANCE CODE

Sec. 5:500 - Title.

The provisions embraced within this subdivision shall constitute and shall be known as and may be cited as the "property maintenance code."

Sec. 5:501 - Purpose.

The purpose of this property maintenance code is to protect the health, safety and welfare of the general public.

Sec. 5:502 - Sanitation.

All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

Sec. 5:503 - Sidewalks and driveways.

It shall be the duty of all owners of property abutting streets to maintain and keep the sidewalk space adjacent to or upon their property. It shall also be the duty of all property owners to maintain their driveways in a proper state of repair and free from hazardous conditions. Walks, driveways and similar paved areas of any premises shall be maintained in a reasonably clean and sanitary condition, free of any holes, substantial cracking or other hazard. Such areas shall also be swept clean of dirt and debris on a regular basis and otherwise maintained in a clean and sanitary condition.

Sec. 5:504 - Weeds.

It shall be unlawful for any person or proprietary party to maintain, permit or allow on any premises, within one hundred fifty (150) feet of an existing building, the growth of grass or weeds, other than trees, shrubs, cultivated flowers and gardens, to exceed a height of twelve (12) inches or more, or to permit or allow on the premises the growth of any other deleterious or unhealthful vegetation. It shall be a violation and declared a nuisance if any growth of flowers, gardens, or otherwise, is allowed in an uncontrolled manner or is not regularly maintained.

Sec. 5:505. - Rodent harborage.

All structures and exterior property shall be kept free from rodent harborage and infestation. Where rodents are found, they shall be promptly exterminated by approved

processes which will not be injurious to human health. After extermination, proper precautions shall be taken to eliminate rodent harborage and prevent re-infestation.

Sec. 5:506 - Accessory structures.

All accessory structures, including detached garages, fences and walls, shall be maintained structurally sound and in good repair. All buildings or structures located within the City which are injurious to or a danger to the public health, safety, morals or welfare of the people of the City, are declared to be a public nuisance and subject to the process and penalties as provided Sec. 1-10 of the Westwego Code of Ordinances.

Sec. 5:507 - Defacement of property.

No person shall willfully or wantonly damage, mutilate or deface any exterior surface of any structure or building on any private or public property by placing thereon any marking, carving or graffiti.

It shall be the responsibility of the owner to restore said surface to the proper state of maintenance and repair.

Sec. 5:508 - Swimming pools.

Swimming pools shall be maintained in a clean and sanitary condition, and in good repair.

Sec. 5:509 - Exterior structure general.

The exterior structure shall be maintained in good repair, structurally sound and sanitary so as not to pose a threat to the public health, safety or welfare.

Sec. 5:510 – Dangerous Buildings.

(A) All structures which have any or all of the following defects shall constitute a public nuisance and be deemed "dangerous":

(1) "Structurally unsound"

- a. Those structures which have interior walls or other vertical structural members that list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;
- b. Those structures which, exclusive of the foundation, show thirty-three (33) percent or more of damage or deterioration of the supporting member or members or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering;
- c. Those structures which have improperly distributed loads upon the floors or roofs or in which the same are overloaded, or which have insufficient strength to be reasonably safe for the purpose used;
- d. Those structures which have been damaged by fire, wind or other causes so as to have become dangerous to life, safety, morals or the general health and welfare of the occupants or people of the City.

(2) "Unhealthful"

- a. Those structures which are so dilapidated, decayed or unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation, or are likely to cause sickness or disease, so as to work injury to the health, morals, safety or general welfare of those occupying such building.

(3) "Constitute a fire hazard"

- a. Those structures containing electrical wiring or appliances in dangerous and defective condition likely to cause fire. Electrical wiring and appliances installed or in use, which are not in compliance with the provisions of any ordinance of the City regarding such wiring or appliances and the installation thereof shall be deemed dangerous and defective;

- b. Those structures containing gas plumbing or appliances in dangerous or defective condition likely to cause fire. Gas plumbing or appliances installed or in use which is not in compliance with the provisions of any ordinances of this City regulating such plumbing and appliances and the installation thereof shall be deemed dangerous and defective;
- c. Those structures which contain combustible or explosive matter or accumulation of rubbish, trash or unnecessary accumulation of waste paper, boxes, shavings or any highly flammable materials especially liable to fire, therein, or in close proximity thereto;
- d. Those structures containing numerous openings in the walls or other unstopped spaces throughout, attributable to vandalism or general disrepair, which increase the risk of conflagration in the area;
- e. Those structures which are vacant and have windows, doors or other openings which remain unsecured permitting entry by unauthorized persons;
- f. Those structures which contain other fire hazards in violation of the National Fire Prevention Act, the state fire marshal act, the building code, any provisions of this Code if the violation is of such a nature that the building constitutes a danger to its occupants and/or others.

(4) "Dangerous to human life"

- a. Those structures, regardless of their structural condition, which have during times that they were not actually occupied by their owners, lessees or other invitees, been left unsecured from unauthorized entry to the extent that they may be entered and utilized by vagrants or other uninvited persons as a place of harborage or may be entered and utilized by children as a play area;
- b. Those structures having parts thereof which are so attached that they may fall and injure members of the public or property;
- c. Those structures without adequate ingress or egress;
- d. Those structures existing in violation of any provisions of this Code, the building code, the fire code, if the violation is of such a nature that the building constitutes a danger to its occupants and/or others;
- e. Those structures constituting a danger to the public even though secured from entry; or
- f. It is found that the means utilized to secure the structure are not adequate to prevent unauthorized entry of the building.

(5) "Unsecured"

- a. Those structures that are not boarded or otherwise have unbroken windows and doors, fenced or otherwise protected from entry in any manner to prevent uninvited persons or animals.

(6) "Unsafe":

- a. Those structures with a foundation wall, exterior wall, or roof which is not weather-tight, watertight or rodent proof; or
- b. Those structures with windows and doors which are not weather tight, watertight or rodent proof or which are not operating to allow proper ingress or egress; or
- c. Those structures with exterior stairs, porches, railings or any appurtenance thereto which is not capable of supporting the load that normal use may cause to be placed thereon; or
- d. Those structures that are boarded or otherwise have doors or windows that are not operating, all of which failing to provide outside air or light; or

- e. Those structures which have been boarded in excess of six (6) months and in which the owner has failed to obtain a permit and begin substantial renovations; or
 - f. Those structures which are deemed "attractive nuisances" as defined in Section 15:100;
- (B) All structures which have any or all of the following defects shall constitute a public nuisance and are subject to demolition:
- (1) Any structure which costs more than fifty (50) percent of the value of the property to repair the structure according to code may be deemed dangerous and unsafe pursuant to the provisions herein and ordered demolished. The value is determined per the value assessed by the Assessor's Office of Jefferson Parish.
 - (2) Any structure that is vacant and boarded for a period of more than six (6) months and which does not have an active permit and no substantial work being performed or which has a permit but substantial work has not begun shall be deemed blighted and a nuisance and subject to demolition.
 - (3) Any structure found to be in a state of deterioration that creates a substantial adverse impact on neighboring properties including but not limited to depreciation of property values, interference with the lawful use and enjoyment of property in the area and/or illegal activities occurring on or at the structure are deemed to be blighted, declared a nuisance and subject to demolition.

(C) Vacant Structures

- (1) "Vacant" shall include structure(s) designed for human use or occupancy but has been unoccupied for more than six (6) months, unless one (1) of the following applies:
 - a. The building is the subject of an active building permit for repair or rehabilitation and the owner is progressing diligently to complete the repair or rehabilitation;
 - b. The building meets all codes, does not contribute to blight, is ready for occupancy and is actively being offered for sale, lease, or rent.
- (2) Upon finding and determining that a structure is vacant and/or boarded,
 - a. A violation will be issued for maintenance and for any other violation found,
 - b. A reinspection shall occur every ninety (90) days for verification of continued vacancy and/or boarding, and
 - c. After the six-month period has expired and the owner has failed to obtain a demolition or repair permit and begin work, and the structure remains vacant and/or boarded, the matter will be forwarded to either the bureau of administrative adjudication or the environmental court section.

Sec. 5:511 - Protective treatment.

All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Exterior property showing thirty-three (33) percent or more of damage or deterioration shall be deemed a nuisance and subject to the procedures and penalties as provided in the Code of Ordinances.

Sec. 5:512 - Structural members.

All structural members shall be maintained free from deterioration, and shall be capable of safely supporting the imposed dead and live loads. All buildings or structures which have any of the defects as defined Section 5-510-Dangerous Buildings, of the Code of Ordinances shall be deemed 'dangerous buildings' which constitute a public nuisance and subject to the penalties and procedures as provided for in the Code of Ordinances.

Sec. 5:513 - Foundation walls.

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of rodents and other pests and shall be maintained in a safe manner and capable of supporting the loads which normal use may cause to be placed thereon; they shall be kept in sound condition and good repair. All wood and metal surfaces shall be protected from the adverse effects of weather by periodic application of paint or other protective coating, all as provided for herein. All buildings or structures which have any of the defects as defined in Section 5-510-Dangerous Buildings, of the Code of Ordinances shall be deemed 'dangerous buildings' which constitute a public nuisance and subject to the penalties as provided for the Code of Ordinances.

Sec. 5:514 - Exterior walls.

All exterior walls shall be maintained in a safe manner, kept in sound condition and good repair; shall be substantially weather tight, watertight, and rodent proof, shall be free from holes, breaks, and loose or rotting materials, and properly surface coated where required to prevent deterioration by periodic application of paint or other protective coating.. All foundation walls, exterior walls, and roof shall be maintained in a safe manner and capable of supporting the loads which normal use may to be placed thereon.

Sec. 5:515 - Roofs and drainage.

The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Sec. 5:516 - Decorative features.

All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

Sec. 5:517 - Overhang extensions.

All overhang extensions including, but not limited to canopies, metal awnings, fire escapes, standpipes and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound and good condition to assure safety and an attractive appearance. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust periodic application of weather-coating materials, such as paint or similar surface treatment. Any overhang extensions in violation shall be deemed a nuisance and subject to the penalties as provided in the Code of Ordinances relative to nuisances.

Sec. 5:518 - Stairways, decks, porches and balconies.

Every exterior stairway, deck, porch, balcony, ramp, handrail and guard, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. All buildings or structures which have any of the defects as defined in Sec. 5-510-Dangerous Buildings, of the Code of Ordinances shall be deemed "dangerous buildings" which constitute a public nuisance and subject to the penalties as provided for in the Code of Ordinances.

Sec. 5:519 - Penalty for violation.

Unless otherwise specifically provided, any person violating these provisions shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in Section 1-10 of the Code of Ordinances. In addition hereto, for those structures deemed dangerous, the City of Westwego is authorized to institute condemnation proceedings in accordance with Chapter 11 Housing and Housing Regulations; Subchapter B. Removal of Dangerous Structures, Section 11-50 et seq.

Provided that a majority of the Westwego City Council have voted in favor of this ordinance, this ordinance shall have the full force and effect of law at midnight on the tenth day following the Clerk's presentment of the same to the Mayor, in accordance with Louisiana Revised Statutes 33:406(C)(2) unless the Mayor returns the same, unsigned, to the Clerk during that ten-day period.

After a public hearing was heard on the above Ordinance, the title having been read and the Ordinance considered, on motion by Council Member Green, and seconded by Council Member Warino to adopt the Ordinance, a record vote was taken and the following result was had:

Yeas: Green, Munch, Guidry, Warino

Nays: None

Absent: Rogers

Abstained: None

WHEREUPON, the presiding officer declared this ordinance duly adopted today, Tuesday, January 10, 2012.

John I. Shaddinger, Jr., Mayor

Michelle A. Norris, City Clerk

I certify that I presented this ordinance to the Mayor on January 11, 2012.

Michelle A. Norris, City Clerk

I acknowledge receipt of this ordinance from the City Clerk on January 11, 2012.

John I. Shaddinger, Jr., Mayor

I hereby ☐ Approve/☐ Veto this ordinance today, January 11, 2012.

John I. Shaddinger, Jr., Mayor

I certify that I received this ordinance from the Mayor on January 11, 2012.

Michelle A. Norris, City Clerk