

TOWN OF KINDER
STATE OF LOUISIANA
ORDINANCE NUMBER 857

BE IT ORDAINED, by the Mayor and the Town Council of the Town of Kinder, Louisiana that the Town of Kinder hereby enacts this ordinance to read as follows:

**AN ORDINANCE ENACTING ARTICLE IV OF THE CODE OF ORDINANCES FOR
THE TOWN OF KINDER**

Section One

The title of Article IV shall be "Property Maintenance Code"

Section Two

Sections 10-87 through 10-114 are enacted to read:

Sec. 10-87 – General

The exterior of a 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. 10-88 - Unsafe conditions

The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the International Building Code or the International Existing Building Code as required for existing buildings:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;

7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or
13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Sec. 10-89 Protective treatment

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. 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. Metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion, and surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Sec. 10-90 Structural members

Structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

Sec. 10-91 Foundation walls

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.

Sec. 10-92 Exterior walls

Exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

Sec. 10-93 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. 10-94 Decorative features

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. 10-95 Overhang extensions

Overhang extensions including, but not limited to, canopies, marquees, signs, 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 condition. Where required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Sec. 10-96 Stairways, decks, porches and balconies

Every exterior stairway, deck, porch and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

Sec. 10-97 Chimneys and towers

Chimneys, cooling towers, smoke stacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair. Exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

Sec. 10-98 Handrails and guards

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

Sec. 10-99 Window, skylight and door frames

Every window, skylight, door and frame shall be kept in sound condition, good repair and weather tight. Glazing materials shall be maintained free from cracks and holes. Every window, other than a fixed window, shall be easily openable and capable of being held in position by window hardware.

Sec. 10-100 Doors

Exterior doors, door assemblies, operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door.

Sec. 10-101 Basement hatchways

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain and surface drainage water.

Sec. 10-102 Guards for basement windows

Every basement window that is openable shall be supplied with rodent shields, storm windows or other approved protection against the entry of rodents.

Sec. 10-103 Gates

Exterior gates, gate assemblies, operator systems if provided, and hardware shall be maintained in good condition.

Sec. 10-104 – Structure Maintenance

It shall be unlawful for any person owning or occupying any premises within the limits of the town to permit on the premises any violations of Sec. 10-87 through 10-103 contained herein. Such person shall maintain buildings in order to comply with those sections.

Sec. 10-105 - Notice to correct

When any premises within the town are not maintained in accordance with the provisions of the proceeding section, a written notice shall be directed to the person owning or occupying the premises by the mayor or his representative, which notice shall require that the person owning or occupying the premises shall comply with the provisions of the preceding section.

Sec. 10-106 - Posting of notice

The notice required by the preceding section shall be posted upon the front door of the primary dwelling or building upon said premises if occupied, and forwarded by certified mail, return receipt requested, addressed to the last known address of such person owning or occupying the premises. Notice directed to the person owning the premises as shown on the last assessment rolls duly filed with the mayor or maintained by the tax assessor for the parish shall be sufficient to constitute notice to the person actually owning the premises.

Sec. 10-107 - Presumption of receipt

The notice required by the preceding section shall be presumed to have been received by such person owning or occupying the premises when deposited in the United States mail for delivery to such person.

Sec. 10-108 - Failure to comply with notice

Upon the failure, neglect or refusal of the person owning or occupying the premises to comply with the notice required by section 10-105 herein within sixty (60) days after the date of the notice, provided the same was properly addressed to the last known address of the person owning or occupying the premises as required by section 10-106 herein, the person owning or occupying the premises shall be deemed in violation of this article and subject to the penalties hereafter provided.

Sec. 10-109 - Authority of town to correct

In default of maintaining exterior building structure in accordance with Sec. 10-87 through 10-103 contained herein within the time required by section 10-108 herein, the mayor or his duly authorized representative is hereby authorized and empowered, at the expense of the person owning the premises, to order by town employees or by contract, the proper action to remedy any violations found in Sec. 10-87 through 10-103 upon such premises.

Sec. 10-110 - Liability for cost of correction by town

The actual costs of the work described in Sec. 10-109, whether performed by town employees or by contract shall be charged to the person owning the premises, which charge shall be due and payable on the day of completion of the work.

Sec. 10-111 - Penalty

If the full amount due to the town is not paid by the person owning the premises within thirty (30) days after completion of the work, the mayor or his duly authorized representative shall cause to be recorded in the mortgage records of the parish a sworn statement showing the actual cost incurred for the work and the date and place and property upon which the work was done. The recordation of such sworn statement shall constitute a lien and privilege on the property and shall remain in full force and effect for the full amount due in principal and interest, recording costs and court costs, if any, for collection, for a period of ten (10) years from the date of filing. The said lien and privilege shall be prior in rank to mortgages, vendor privileges, and all other privileges except tax privileges. The cost and expenses shall be collected in the manner fixed for collection of taxes and shall be subject to a delinquent penalty of ten (10) percent in the event same is not paid in full on or before thirty (30) days after the date of completion of the work.

Sworn statements recorded in accordance with the provisions of this section shall be prima facie evidence that all legal formalities have been complied with and shall be full notice to every person concerned that the amount of the statement plus interest constitutes a charge against the property designated or described in the statement and the same is due and collectible as provided by law.

Sec. 10-112 - Tax collector to furnish written statement for late payment; collection from taxes due

In addition, after due notice as provided for herein, if the costs set forth in subsection 10-110 have not been paid within thirty (30) days, the tax collector of the town shall furnish the owner, as shown on the last assessment roll of the city, by registered mail a written statement showing the cost or expense incurred for the work, and the place or property on which the work was done. If such statement is not paid within one (1) month thereafter, the amount thereof shall be included in the form part of the taxes due by the owner of such property, and when collected shall be credited to the general fund of the town.

Sec. 10-113 - Town clerk to furnish written statement for late payment; collection from utility deposit

In addition, after due notice as provided herein, if the if the costs set forth in subsection 10-110 have not been paid within thirty (30) days, the town clerk, or other designee of the mayor, shall cause notice to be mailed to the owner or occupier of the premises as shown in the records of the town for supply of utility services, by registered mail a written statement showing the cost or expense incurred for the work, and the place or property on which the work was done. If such statement is not paid within one (1) month thereafter, the amount thereof shall be paid from any monies on deposit with the town for the supply of utility services to the owner or occupier of the premises, as allowed in the utility deposit agreement between the town and utility service recipient.

Sec. 10-114 - Additional penalty

In addition to the costs set forth herein, any violation or failure to comply with this ordinance after proper notification shall be punishable as provided for and shall be subject to a fine not to exceed \$50 per occurrence.

Section 3

This ordinance shall become effective upon signature of the Mayor; provided however, the Mayor shall have the authority to suspend enforcement of this ordinance by Executive Order for a period not to exceed 180 days after the effective date; and further provided, the Mayor shall have authority to suspend enforcement of this ordinance by Executive Order for a period not to exceed 180 days following a natural disaster.

Ordinance introduced on the 7th day of May, 2018 by Councilwoman Van Norman.

Notice of the proposal of this Ordinance was published in the official journal on the 24th day of May, 2018.

Public Hearing on this Ordinance was held on the 4th day of June, 2018 at 6:00 P.M. at the Kinder City Hall, Kinder, Louisiana.

The above and foregoing Ordinance was read and called for a vote by the Mayor at a meeting of the Town Council called for said purpose on the 4th day of June, 2018. Motion was made by Councilman Christopher Fontenot and seconded by Councilman CJ Fontenot to adopt said ordinance.

The vote thereon:

NAME	YEA	NAY	ABSTAIN	ABSENT
Popillion	√			
Deweese	√			
Fontenot, Chris	√			
Van Norman	√			
Fontenot, CJ	√			
TOTALS	5	0	0	0

APPROVED:

/s/Wayland LaFargue, Mayor

Date: June 6, 2018

ATTEST: A True Copy

/s/Traci Fontenot, Town Clerk

Date: June 6, 2018