

**Title 55**  
**PUBLIC SAFETY**

**Part VI. Uniform Construction Code**

**Chapter 1. Preliminary Provisions**

**§101. Request for Rule Change**

A. Anyone petitioning the Undersecretary, Department of Public Safety, for the adoption of, or change of, any rule shall submit in writing to the Council Administrator at 7979 Independence Boulevard, Suite 106, Baton Rouge, LA 70806, an application containing the following basic information organized and captioned:

1. the name, address, telephone number and e-mail address of the applicant;
2. a brief description of the facts supporting the applicant's request for the adoption of a rule or the change of a rule that has already been adopted;
3. suggested specific language or language setting forth the substance of the rule or rule change which is being requested;
4. an indication as to whether or not a public hearing is requested;
5. a copy of each and every document upon which the applicant bases his request for a rule or a citation of the information and where it can be easily obtained for review by this office.

B. Whenever the council administrator determines that a public hearing or public hearings should be held prior to the adoption of any rule or rule change, a notice of the meeting date and place and the agenda will be recorded in the *Louisiana Register*; however, whenever that is not possible, a copy of the meeting notice including the date, time, and place, and agenda of the meeting will be mailed to the official journals of the cities of Lafayette, Alexandria, Shreveport, Monroe, Lake Charles, Baton Rouge and New Orleans.

C. Within 90 days of the request for adoption of or change of a rule, the council administrator will notify the applicant and each individual who request a copy of either his denial of the application or notice of intent to adopt the requested rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:290 (February 2007), amended LR 34:93 (January 2008).

**Chapter 3. Adoption of the Louisiana State Uniform Construction Code**

**§301. Louisiana State Uniform Construction Code**

A. In accordance with the requirements set forth in R.S. 40:1730.28, effective January 1, 2007, the following is hereby adopted as the Louisiana State Uniform Construction Code.

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 regulation 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 regulation of construction within this state.

3.a. International Residential Code, 2006 Edition, not including Parts I-Administrative, V-Mechanical, VII-Plumbing and VIII-Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. The enforcement of such standards shall be mandatory only with respect to new construction, reconstruction, additions to homes previously built to the International Residential Code, and extensive alterations. Appendix J, Existing Buildings and Structures, may be adopted and enforced only at the option of a parish, municipality, or regional planning commission. For purposes of this part, section R301.2.1.1 of the 2003 edition of the International Residential Code is hereby specifically adopted in lieu of the 2006 edition and shall remain in effect until the 2009 edition of the International Residential Code is published. Part IV-Energy Conservation of the latest edition of the International Residential Code is hereby amended to require that supply and return ducts be insulated to a minimum of R-6. Furthermore, IRC R301.2.1.1 (Design Criteria) shall be amended as follows and shall only apply to the International Residential Code:

- i. amendment of R301.2.1.1 (Design Criteria);
- ii. item 6, the American Concrete Institute, *Guide to Concrete Masonry Residential Construction in High Winds Areas*, shall be added;
- iii. item 7, Institute for Business and Home Safety, *Optional Code-plus Fortified for Safer Living*, shall be added;
- iv. item 8, Federal Alliance for Safe Homes, *Optional Code-plus Blueprint for Safety*, shall be added.

b. Additionally, Section 302, R302.1 Exterior Walls shall be amended to add the following exception:

i. On lots that are 50 feet or less in width and that contain a one or two family dwelling or townhouse that was in existence prior to October 1, 2005, the following are permitted for rebuilding:

(a). a projection 2 feet from the property line with a 1 hour minimum fire-resistance rating on the underside.

(b). a wall 3 feet or more from the property with a 0 hour minimum fire-resistance rating.

4. International Mechanical Code, 2006 Edition, and the standards referenced in that code for regulation within this state. Furthermore, IMC Section 403.1 through Section 403.7 of the IMC shall be amended to include the following:

**Section 403.1** Change to read as shown: (M44-06/07)

403.1 Ventilation system. Mechanical ventilation shall be provided by a method of supply air and return or exhaust air. The amount of supply air shall be approximately equal to the amount of return and exhaust air. The system shall not be prohibited from producing negative or positive pressure. The system to convey ventilation air shall be designed and installed in accordance with Chapter 6.

**Section 403.2** Change to read as shown: (M44-06/07)

403.2 Outdoor air required. The minimum outdoor airflow rate shall be determined in accordance with Section 403.3. Ventilation supply systems shall be designed to deliver the required rate of outdoor airflow to the breathing zone within each occupiable space.

Exception: Where the registered design professional demonstrates that an engineered ventilation system design will prevent the maximum concentration of contaminants from exceeding that obtainable by the rate of outdoor air ventilation determined in accordance with Section 403.3, the minimum required rate of outdoor air shall be reduced in accordance with such engineered system design.

**Section 403.2.1** Change to read as shown: (M44-06/07)

403.2.1 Recirculation of air. The outdoor air required by Section 403.3 shall not be recirculated. Air in excess of that required by Section 403.3 shall not be prohibited from being recirculated as a component of supply air to building spaces, except that:

1. Ventilation air shall not be recirculated from one dwelling to another or to dissimilar occupancies.

2. Supply air to a swimming pool and associated deck areas shall not be recirculated unless such air is dehumidified to maintain the relative humidity of the area at 60 percent or less. Air from this area shall not be recirculated to other spaces where 10 percent or more of the resulting supply airstream consists of air recirculated from these spaces.

3. Where mechanical exhaust is required by Note b in Table 403.3, recirculation of air from such spaces shall be prohibited. All air supplied to such spaces shall be exhausted, including any air in excess of that required by Table 403.3.

4. Where mechanical exhaust is required by Note h in Table 403.3, mechanical exhaust is required and recirculation is prohibited where 10 percent or more of the resulting supply airstream consists of air recirculated from these spaces.

**Section 403.2.2** Change to read as shown: (M44-06/07)

403.2.2 Transfer air. Except where recirculation from such spaces is prohibited by Table 403.3, air transferred from occupiable spaces is not prohibited from serving as makeup air for required exhaust systems in such spaces as kitchens, baths, toilet rooms, elevators and smoking lounges. The amount of transfer air and exhaust air shall be sufficient to provide the flow rates as specified in Section 403.3. The required outdoor airflow rates specified in Table 403.3 shall be introduced directly into such spaces or into the occupied spaces from which air is transferred or a combination of both.

**Section 403.3** Change to read as shown: (M44-06/07)

403.3 Outdoor airflow rate. Ventilation systems shall be designed to have the capacity to supply the minimum outdoor airflow rate determined in accordance with this section. The occupant load utilized for design of the ventilation system shall not be less than the number determined from the estimated maximum occupant load rate indicated in Table 403.3. Ventilation rates for occupancies not represented in Table 403.3 shall be those for a listed occupancy classification that is most similar in terms of occupant density, activities and building construction; or shall be determined by an approved engineering analysis. The ventilation system shall be designed to supply the required rate of ventilation air continuously during the period the building is occupied, except as otherwise stated in other provisions of the code.

With the exception of smoking lounges, the ventilation rates in Table 403.3 are based on the absence of smoking in occupiable spaces. Where smoking is anticipated in a space other than a smoking lounge, the ventilation system serving the space shall be designed to provide ventilation over and above that required by Table 403.3 in accordance with accepted engineering practice.

Exception: The occupant load is not required to be determined, based on the estimated maximum occupant load rate indicated in Table 403.3 where approved statistical data document the accuracy of an alternate anticipated occupant density.

**Section 403.3.1** "System operation" Relocated to Section 403.5: (M44-06/07)

**Section 403.3.1** Add new section to read as shown: (M44-06/07)

403.3.1 Zone outdoor airflow. The minimum outdoor airflow required to be supplied to each zone shall be determined as a function of occupancy classification and space air distribution effectiveness in accordance with Sections 403.3.1.1 through 403.3.1.3.

**Sections 403.3.1.1, 403.3.1.2, Table 403.3.1.2, Section 403.3.1.3** Add new sections and new table to read as shown: (M44-06/07)

403.3.1.1 Breathing zone outdoor airflow. The outdoor airflow rate required in the breathing zone (Vbz) of the occupiable space or spaces in a zone shall be determined in accordance with Equation 4-1.

$$Vbz = RpPz + RaAz \quad (\text{Equation 4-1})$$

where:

Az = zone floor area: the net occupiable floor area of the space or spaces in the zone.

Pz = zone population: the number of people in the space or spaces in the zone.

Rp = people outdoor air rate: the outdoor airflow rate required per person from Table 403.3

Ra = area outdoor air rate: the outdoor airflow rate required per unit area from Table 403.3

**403.3.1.2** Zone air distribution effectiveness. The zone air distribution effectiveness ( $E_z$ ) shall be determined using Table 403.3.1.2.

Table 403.3.1.2 Zone Air Distribution Effectiveness	
Air Distribution Configuration	$E_z$
Ceiling or floor supply of cool air	1.0f
Ceiling or floor supply of warm air and floor return	1.0
Ceiling supply of warm air and ceiling return	0.8g
Floor supply of warm air and ceiling return	0.7
Makeup air drawn in on the opposite side of the room from the exhaust and/or return	0.8
Makeup air drawn in near to the exhaust and/or return location	0.5

For SI: 1 foot = 304.8 mm, 1 foot per minute = 0.00506 m/s,  $C = [(F) - 32]/1.8$ .

- a. "Cool air" is air cooler than space temperature.
- b. "Warm air" is air warmer than space temperature.
- c. "Ceiling" includes any point above the breathing zone.
- d. "Floor" includes any point below the breathing zone.
- e. "Makeup air" is air supplied or transferred to a zone to replace air removed from the zone by exhaust or return systems.

f. Zone air distribution effectiveness of 1.2 shall be permitted for systems with a floor supply of cool air and ceiling return, provided that low-velocity displacement ventilation achieves unidirectional flow and thermal stratification.

g. Zone air distribution effectiveness of 1.0 shall be permitted for systems with a ceiling supply of warm air, provided that supply air temperature is less than 15° F above space temperature and provided that the 150 foot-per-minute supply air jet reaches to within 4.5 feet of floor level.

**403.3.1.3** Zone outdoor airflow. The zone outdoor airflow rate ( $V_{oz}$ ), shall be determined in accordance with Equation 4-2.

$$V_{oz} = V_{bz}/E_z \text{ (Equation 4-2)}$$

**Section 403.3.2** Change to read as shown: (M44-06/07)

403.3.2 System outdoor airflow. The outdoor air required to be supplied by each ventilation system shall be determined in accordance with Sections 403.3.2.1 through 403.2.3 as a function of system type and zone outdoor airflow rates.

**Sections 403.3.2.1, 403.3.2.2, 403.3.2.3, 403.3.2.3.1, 403.3.2.3.2, Table 403.3.2.3.2, Sections 403.3.2.3.3, 403.3.2.3.4** Add new sections and table to read as shown: (M44-06/07)

403.3.2.1 Single zone systems. Where one air handler supplies a mixture of outdoor air and recirculated return air to only one zone, the system outdoor air intake flow rate ( $V_{ot}$ ) shall be determined in accordance with Equation 4-3.

$$V_{ot} = V_{oz} \text{ (Equation 4-3)}$$

403.3.2.2 100-percent outdoor air systems. Where one air handler supplies only outdoor air to one or more zones, the system outdoor air intake flow rate ( $V_{ot}$ ) shall be determined using Equation 4-4.

$$V_{ot} = \sum \text{all zones } V_{oz} \text{ (Equation 4-4)}$$

403.3.2.3 Multiple zone recirculating systems. Where one air handler supplies a mixture of outdoor air and recirculated return air to more than one zone, the system outdoor air intake flow rate ( $V_{ot}$ ) shall be determined in accordance with Sections 403.3.2.3.1 through 403.3.2.3.5.

403.3.2.3.1 Primary Outdoor Air Fraction. The primary outdoor air fraction ( $Z_p$ ) shall be determined for each zone in accordance with Equation 4-5.

$$Z_p = V_{oz}/V_{pz} \text{ (Equation 4-5)}$$

where:

$V_{pz}$  = Primary airflow: The airflow rate supplied to the zone from the air-handling unit at which the outdoor air intake is located. It includes outdoor intake air and recirculated air from that air-handling unit but does not include air transferred or air recirculated to the zone by other means. For design purposes,  $V_{pz}$  shall be the zone design primary airflow rate, except for zones with variable air volume supply and  $V_{pz}$  shall be the lowest expected primary airflow rate to the zone when it is fully occupied.

403.3.2.3.2 System ventilation efficiency. The system ventilation efficiency ( $E_v$ ) shall be determined using Table 403.3.2.3.2 or Appendix A of ASHRAE 62.1.

Table 403.3.2.3.2 System Ventilation Efficiency	
Max ( $Z_p$ )	$E_v$
□ 0.15	1.0
□ 0.25	0.9
□ 0.35	0.8
□ 0.45	0.7
□ 0.55	0.6
□ 0.65	0.5
□ 0.75	0.4
> 0.75	0.3

a.  $Max (Z_p)$  is the largest value of  $Z_p$  calculated using Equation 4-5 among all the zones served by the system.

b. Interpolating between table values shall be permitted.

403.3.2.3.3 Uncorrected outdoor air intake. The uncorrected outdoor air intake flow rate ( $V_{ou}$ ) shall be determined in accordance with Equation 4-7.

$$V_{ou} = D \sum \text{all zones } R_p P_z + \sum \text{all zones } R_a A_z \text{ (Equation 4-7)}$$

where:

D = Occupant diversity: the ratio of the system population to the sum of the zone populations, determined in accordance with Equation 4-8.

$$D = P_s / \sum \text{all zones } P_z \text{ (Equation 4-8)}$$

where:

$P_s$  = System population: The total number of occupants in the area served by the system. For design purposes,  $P_s$  shall be the maximum number of occupants expected to be concurrently in all zones served by the system.

403.3.2.3.4 Outdoor air intake flow rate. The outdoor air intake flow rate ( $V_{ot}$ ) shall be determined in accordance with Equation 4-9.

$$V_{ot} = V_{ou}/E_v \text{ (Equation 4-9)}$$

Section 403.3.3 “Variable air volume system control” Relocated to Section 403.6: (M44-06/07) Section 403.3.4 “Balancing” Relocated to Section 403.7: (M44-06/07)

**Table 403.3** Change table to read as shown: (M44-06/07, M48-06/07)

<b>Table 403.3</b>				
<b>Minimum Ventilation Rates</b>				
<b>Occupancy Classification</b>	<b>People Outdoor Airflow Rate in Breathing Zone Cfm/person</b>	<b>Area Outdoor Airflow Rate In Breathing Zone Ra Cfm/ft2a</b>	<b>Default Occupant Density #/1000 ft2a</b>	<b>Exhaust Airflow Rate Cfm/ft2a</b>
<b>Correctional facilities</b>				
Cells				
without plumbing fixtures	5	0.12	25	–
with plumbing fixtures <sub>g</sub>	5	0.12	25	1.0
Dining halls (See Food and Beverage Service)	–	–	–	–
Guard stations	5	0.06	15	–
Day room	5	0.06	30	–
Booking/waiting	7.5	0.06	50	–
<b>Dry Cleaners, laundries</b>				
Coin-operated dry cleaner	15	–	20	–
Coin-operated laundries	7.5	0.06	20	–
Commercial dry cleaner	30	–	30	–
Commercial laundry	25	–	10	–
Storage, pick up	7.5	.12	30	–
<b>Education</b>				
Auditoriums	5	0.06	150	–
Corridors (See Public Spaces)	–	–	–	–
Media center	10	0.12	25	–
Sports locker rooms <sub>g</sub>	–	–	–	0.5
Music/theater/dance	10	0.06	35	–
Smoking lounges <sub>b</sub>	60	–	70	–
Daycare (through age 4)	10	0.18	25	–
Classrooms (ages 5-8)	10	0.12	25	–
Classrooms (age 9 plus)	10	0.12	35	–
Lecture classroom	7.5	0.06	65	–
Lecture hall (fixed seats)	7.5	0.06	150	–
Art classroom <sub>g</sub>	10	0.18	20	0.7
Science laboratories <sub>g</sub>	10	0.18	25	1.0
Wood/metal shops <sub>g</sub>	10	0.18	20	0.5
Computer lab	10	0.12	25	–
Multi-use assembly	7.5	0.06	100	–
Locker/dressing rooms <sub>g</sub>	–	–	–	0.25
<b>Food and beverage service</b>				
Bars, cocktail lounges	7.5	0.18	100	–
Cafeteria, fast food	7.5	0.18	100	–
Dining rooms	7.5	0.18	70	–
Kitchens (cooking) <sub>b</sub>	–	–	–	0.7
<b>Hospitals, nursing and convalescent homes</b>				
Autopsy rooms <sub>b</sub>	–	–	–	0.5
Medical procedure rooms	15	–	20	–
Operating rooms	30	–	20	–
Patient rooms	25	–	10	–
Physical therapy	15	–	20	–
Recovery and ICU	15	–	20	–
<b>Hotels, motels, resorts and dormitories</b>				
Multi-purpose assembly	5	0.06	120	–
Bathrooms/Toilet – private <sub>g</sub>	–	–	–	f25/50
Bedroom/living room	5	0.06	10	–
Conference/meeting	5	0.06	50	–
Dormitory sleeping areas	5	0.06	20	–
Gambling casinos	7.5	0.18	120	–
Lobbies/pre-function	7.5	0.06	30	–
<b>Offices</b>				
Conference rooms	5	0.06	50	–
Office spaces	5	0.06	5	–
Reception areas	5	0.06	30	–
Telephone/data entry	5	0.06	60	–
Main entry lobbies	5	0.06	10	–

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Table 403.3 Minimum Ventilation Rates				
Occupancy Classification	People Outdoor Airflow Rate in Breathing Zone Cfm/person	Area Outdoor Airflow Rate In Breathing Zone Ra Cfm/ft2a	Default Occupant Density #/1000 ft2a	Exhaust Airflow Rate Cfm/ft2a
<b>Private dwellings, single and multiple</b>				
Garages, common for multiple units <sup>b</sup>	-	-	-	0.75
Garages, separate for each dwelling <sup>b</sup> Kitchens <sup>b</sup>	-	-	-	100 cfm per car
Living areas <sup>c</sup>	-	-	-	25/100f
	0.35 ACH but not less than 15 cfm/person	-	Based upon number of bedrooms.	-
Toilet rooms and bathrooms <sup>g</sup>	-	-	first bedroom 2; each additional bedroom: 1	20/50f
<b>Public spaces</b>				
Corridors	-	0.06	-	-
Elevator car	-	-	-	1.0
Shower room (per shower head) <sup>g</sup>	-	-	-	50/20f
Smoking lounges <sup>b</sup>	60	-	70	-
Toilet rooms – public <sup>g</sup>	-	-	-	50/70e
Places of religious worship	5	0.06	120	-
Courtrooms	5	0.06	70	-
Legislative chambers	5	0.06	50	-
Libraries	5	0.12	10	-
Museums (children's)	7.5	0.12	40	-
Museums/galleries	7.5	0.06	40	-
<b>Retail stores, sales floors and showroom floors</b>				
Sales (except as below)	7.5	0.12	15	-
Dressing rooms	-	-	-	0.25
Mall common areas	7.5	0.06	40	-
Shipping and receiving	-	0.12	-	-
Smoking lounges <sup>b</sup>	60	-	70	-
Storage rooms	-	0.12	-	-
Warehouses (See Storage)	-	-	-	-
<b>Specialty shops</b>				
Automotive motor-fuel dispensing stations <sup>b</sup>	-	-	-	1.5
Barber	7.5	0.06	25	0.5
Beauty and nail salons <sup>b,i</sup>	20	0.12	25	0.6
Embalming room <sup>b</sup>	-	-	-	2.0
Pet shops (animal areas) <sup>b</sup>	7.5	0.18	10	0.9
Supermarkets	7.5	0.06	8	-
<b>Sports and amusement</b>				
Disco/dance floors	20	0.06	100	-
Bowling alleys (seating areas)	10	0.12	40	-
Game arcades	7.5	0.18	20	-
Ice arenas without combustion engines,	-	0.30	-	0.5
Gym, stadium, arena (play area)	-	0.30	-	-
Spectator areas	7.5	0.06	150	-
Swimming pools (pool and deck area)	-	0.48	-	-
Health club/aerobics room	20	0.06	40	-
Health club/weight room	20	0.06	10	-
<b>Storage</b>				
Repair garages, enclosed parking garages <sup>b,d</sup>	-	-	-	0.75
Warehouses	-	0.06	-	-
<b>Theaters</b>				
Auditoriums (See Education)	-	-	-	-
Lobbies	5	0.06	150	-
Stages, studios	10	0.06	70	-
Ticket booths	5	0.06	60	-
<b>Transportation</b>				
Platforms	7.5	0.06	100	-
Transportation waiting	7.5	0.06	100	-
<b>Workrooms</b>				
Bank vaults/safe deposit	5	0.06	5	-
Darkrooms	-	-	-	1.0
Copy, printing rooms	5	0.06	4	0.5
Meat processing <sup>c</sup>	15	-	10	-
Pharmacy (prep. area)	5	0.18	10	-
Photo studios	5	0.12	10	-
Computer (without printing)	5	0.06	4	-

For SI: 1 cubic foot per minute = 0.0004719 m<sup>3</sup>/s, 1 ton = 908 kg,

1 cubic foot per minute per square foot = 0.00508 m<sup>3</sup>/(s m<sup>2</sup>),

C = [(F) -32]/1.8, 1 square foot = 0.0929 m<sup>2</sup>.

- a. Based upon net occupiable floor area
- b. Mechanical exhaust required and the recirculation of air from such spaces is prohibited (see Section 403.2.1, Item 3).
- c. Spaces unheated or maintained below 50° F are not covered by these requirements unless the occupancy is continuous.
- d. Ventilation systems in enclosed parking garages shall comply with Section 404.
- e. Rates are per water closet or urinal. The higher rate shall be provided where periods of heavy use are expected to occur, such as, toilets in theaters, schools, and sports facilities. The lower rate shall be permitted where periods of heavy use are not expected.
- f. Rates are per room unless otherwise indicated. The higher rate shall be provided where the exhaust system is designed to operate intermittently. The lower rate shall be permitted where the exhaust system is designed to operate continuously during normal hours of use.
- g. Mechanical exhaust is required and recirculation is prohibited except that recirculation shall be permitted where the resulting supply airstream consists of not more than 10 percent air recirculated from these spaces (see Section 403.2.1, Items 2 and 4).
- h. For nail salons, the required exhaust shall include ventilation tables or other systems that capture the contaminants and odors at their source and are capable of exhausting a minimum of 50 cfm per station.

**Section 403.4** Add new section to read as shown: (M44-06/07)

403.4 Exhaust Ventilation. Exhaust airflow rate shall be provided in accordance with the requirements in Table 403.3. Exhaust makeup air shall be permitted to be any combination of outdoor air, recirculated air and transfer air, except as limited in accordance with Section 403.2.

**Section 403.5** Relocated from Section 403.3.1 with no change to current text: (M44-06/07)

**Section 403.6** Relocated from 403.3.3 and changed to read as shown: (M44-06/07)

403.6 Variable air volume system control. Variable air volume air distribution systems, other than those designed to supply only 100-percent outdoor air, shall be provided with controls to regulate the flow of outdoor air. Such control system shall be designed to maintain the flow rate of outdoor air at a rate of not less than that required by Section 403.3 over the entire range of supply air operating rates.

**Section 403.7** Relocated from Section 403.3.4 and changed to read as shown: (M44-06/07)

403.7 Balancing. The ventilation air distribution system shall be provided with means to adjust the system to achieve at least the minimum ventilation airflow rate as required by Sections 403.3 and 403.4. Ventilation systems shall be balanced by an approved method. Such balancing shall verify that the ventilation system is capable of supplying and exhausting the airflow rates required by Sections 403.3 and 403.4.

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 Electric Code, 2008 Edition. This Code is to become effective on January 1, 2010.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1730.22(C) and (D) and 40:1730.26(1).

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:93 (January 2008), LR 34: 883 (May 2008), LR 34:2205 (October 2008), LR 35:1904 (September 2009).

## Chapter 5. Enforcement of Louisiana State Uniform Construction Code

### §501. General

A. Effective January 1, 2007, all municipalities and parishes shall enforce the Louisiana State Uniform Construction Code. Municipalities and parishes may establish agreements with other governmental entities or registered and certified third party providers to issue permits and enforce the state uniform construction code. No municipality or parish shall require that residential building plans for one and two family dwellings be prepared or stamped by a licensed architect or engineer if the dwelling falls within the prescriptive codes of the Louisiana State Uniform Construction Code, except as required by Chapter 12 of the Louisiana State Plumbing Code.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1730.22(C) and (D).

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007).

### §503. Farm or Recreational Structures

#### A. Definitions

1. For the purposes of these regulations the words defined in this Section have the following meaning.

*Farm Structure*—a structure which is constructed on a farm, other than a residence or structure attached to it, for use on the farm including, but not limited to barns, sheds and poultry houses.

*Private Outdoor Recreational Structure*—a hunting or fishing camp or other structure that is:

- i. not used as a residence;
- ii. not attached to a residence;
- iii. not utilizing the same physical address of a residence;

- iv. not located on the same property as a residence;
- v. not capable of qualifying for a homestead exemption;
- vi. not used for commercial purposes;
- vii. not located within the corporate limits of a municipality; and
- viii. not located in an approved subdivision within a jurisdiction:

(a). for purposes of this Section, residence shall have the following meaning: a dwelling unit used or occupied or intended to be used or occupied for permanent living purposes as opposed to one's place of temporary sojourn.

#### B. Exemptions to State Uniform Construction Code

1. The governing authority of a parish or municipality may not enforce the Louisiana State Uniform Construction Code pertaining to the construction or improvement of a farm structure or private outdoor recreational structure. For private outdoor recreational structures only, the property owner of record, in applying for an exemption, shall execute an affidavit attesting to the property's or structure's exempt status. The affidavit shall be filed into the parish conveyance records.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:291 (February 2007), amended LR 34:2407 (November 2008).

#### §504. Exemption for Industrial Facilities

A. For purposes of R.S. 1730.29, the exemption (excluding the applicable requirements of the Louisiana State Plumbing Code) for industrial facilities shall apply to any structure or building constructed inside the restricted access area of the facility. However, any structure or building that is constructed outside the restricted access area of the facility or any structure or building located inside the restricted access area of the facility that is accessible by the public are subject to the requirements of the Louisiana State Uniform Construction Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 34:2408 (November 2008).

#### §505. Commercial Plan Review

A. Until December 31, 2007, where a parish or municipality is not providing plan review, then architects, engineers, owners, parishes or municipalities on commercial projects may request International Building Code plan review by the Office of the State Fire Marshal.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 33:1683 (August 2007).

## Chapter 7. Certificates of Registration

### §701. General

A. On and after January 1, 2007, no person shall practice as a code enforcement officer in this state unless registered with the Louisiana State Uniform Construction Code Council (council). A person desiring to be registered as a parish or municipality building code enforcement officer or a third party provider shall apply to the council for a Certificate of Registration. The applicant shall apply on the application form prescribed by the council. An applicant shall furnish satisfactory proof to the council of valid certification. A Certificate of Registration is valid for one year and expires on the last day of the month of issuance. Those possessing Certificates of Registration must timely renew their certificates in order to remain in good standing with the council.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:292 (February 2007).

### §703. Classifications and Required Certifications for Municipal or Parish Building Code Enforcement Officers

#### A. General

1. In order to obtain a Certificate of Registration from the council for a particular classification, an individual must meet the following qualifications.

#### B. Definitions

*Building Code Enforcement Officer (BCEO)*—a person employed by a public entity who is primarily responsible for the overall inspection or enforcement of applicable building code requirements within the jurisdiction of the employer.

*Building Official*—the BCEO employed and charged by a public entity with the administration and enforcement of the Louisiana State Uniform Construction Code (LSUCC).

*Inspector*—a BCEO, who under the authority of the building official, is charged with the inspection of structures for compliance with his or her specialty classification(s) of the LSUCC.

*Plans Examiner or Reviewer*—a BCEO, who under the authority of the Building Official, is charged with the inspection of construction documents for compliance with his or her specialty classification(s) of the LSUCC.

*Third-Party Provider (TPP)*—any individual, entity, or an individual employed by an entity, contracted to act in the capacity of a BCEO by an authority having jurisdiction, a licensed contractor, or a homeowner who is exempted from the contractor licensing law under R.S. 37:2170.

*Wind Mitigation Surveyor*—the wind mitigation surveyor classification of third party provider is limited to performing a survey to complete the Louisiana Hurricane Loss Mitigation Survey Form. The Survey Form, LAC 37 Part XIII, Section 12721. Appendix A, is to be utilized by consumers applying for justifying discounts for features that comply with building codes, or, for installed mitigation improvements utilizing construction techniques demonstrated to reduce the amount of hurricane loss from a windstorm. This classification does not qualify applicant to perform building code inspections in compliance with the Louisiana State Uniform Construction Code Council (LSUCCC) or International Code Council (ICC) classifications for building inspectors.

### C. BCEO Registration Classifications/Requirements

#### 1. General Classifications

a. *Building Official (BO)*—requirements; possess a current ICC Certified Building Official certificate or a current ICC Master Code Professional certificate and have two years experience as an architect, engineer, inspector, plans examiner, contractor or superintendent of construction or any combination of these. General classifications are not restricted and may enforce all classified specialties of the LSUCC.

#### 2. Specialty Classifications

##### a. Commercial Inspectors

i. *Commercial Building Inspector* Requirements—possess a current ICC Commercial Building Inspector, ICC Building Inspector, or ICC Commercial Combination Inspector certificate.

ii. *Commercial Electrical Inspector* Requirements—possess a current ICC Commercial Electrical Inspector, ICC Electrical Inspector, or ICC Commercial Combination Inspector certificate.

iii. *Commercial Mechanical Inspector* Requirements—possess a current ICC Commercial Mechanical Inspector, ICC Mechanical Inspector, or ICC Commercial Combination Inspector certificate.

iv. *Commercial Plumbing Inspector* Requirements—possess a current ICC Commercial Plumbing Inspector, ICC Plumbing Inspector, or ICC Commercial Combination Inspector certificate.

v. *Commercial Energy Inspector* Requirements—shall be enforced by the Office of the State Fire Marshal.

b. *Commercial and Residential Plan Examiners or Reviewers*

i. *Building Plans Examiner* Requirements—possess a current ICC Commercial Building Plans Examiner certificate.

ii. *Electrical Plans Examiner* Requirements—possess a current ICC Commercial Electrical Plans Examiner certificate.

iii. *Mechanical Plans Examiner* Requirements—possess a current ICC Commercial Mechanical Plans Examiner certificate.

iv. *Plumbing Plans Examiner* Requirements—possess a current ICC Commercial Plumbing Plans Examiner certificate.

v. *Commercial Energy Plans Examiner* Requirements—shall be enforced by the Office of the State Fire Marshal.

##### c. Residential Inspectors

i. *Residential Building Inspector* Requirements—possess a current ICC Residential Inspector, ICC Building Inspector, or ICC Residential Combination Inspector certificate.

ii. *Residential Electrical Inspector* Requirements—possess a current ICC Residential Electrical Inspector, ICC Electrical Inspector, or ICC Residential Combination Inspector certificate.

iii. *Residential Mechanical Inspector* Requirements—possess a current ICC Residential Mechanical Inspector, ICC Mechanical Inspector, or ICC Residential Combination Inspector certificate.

iv. *Residential Plumbing Inspector* Requirements—possess a current ICC Residential Plumbing Inspector, ICC Plumbing Inspector, or ICC Residential Combination Inspector certificate.

v. *Residential Energy Inspector* Requirements—possess a current ICC Residential Energy Inspector/Plans Examiner certificate.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.34(B).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Uniform Construction Code Council, LR 33:292 (February 2007), amended LR 33:1683 (August 2007), LR 34:93 (January 2008), amended by the Department of Public Safety and Corrections, Office of Management and Finance, Uniform Construction Code Council, LR 35:490 (March 2009).

### §705. Third Party Providers

#### A. General

1. A third party provider shall register with the council. Third party providers shall meet the requirements of the general or specialty classification(s) whichever applicable and as contracted with the parish or municipality. Furthermore, any individual employed by a third party provider who is also performing work for the parish or municipality, shall also be council certified.

B. *Insurance*. All third party providers shall carry at least \$500,000 in professional liability insurance. Proof of valid and current insurance coverage must be provided to the council upon registration and renewal of registration.

#### 1. Exceptions

a. Wind mitigation surveyors shall carry at least \$300,000 in professional liability insurance.

#### C. Restrictions

1. Third party providers shall not provide plan review or inspections on projects of their own design and/or construction.

#### D. Code Enforcement Services for Non-Governmental Entities

1. Third party providers providing plan review services for non-governmental entities shall provide written copies of the plan review to the code enforcement officer of the municipality or parish prior to issuance of construction permits.

2. Where a third party provider provides services in a jurisdiction which has a building department, third party providers shall adhere to the permitting and inspection procedures of said jurisdiction.

3. Third party providers providing inspection services for non-governmental entities shall provide written copies of the approved inspection reports to the code enforcement officer of the jurisdiction prior to the issuance of the certificate of occupancy.

E. A wind mitigation surveyor classification of third party provider may specialize as a wind mitigation surveyor upon meeting the following qualifications:

1. possession of a home inspector license through the Louisiana State Board of Home Inspectors; and
2. possession of a Certificate of Completion for the 2006 IRC Hurricane Resistant Residential Construction Program, or other equivalent program approved by the LSUCCC.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:292 (February 2007), amended LR 33:2462 (November 2007), amended by the Department of Public Safety and Corrections, Office of Management and Finance, Uniform Construction Code Council, LR 35:491 (March 2009).

#### §707. Continuing Education Requirements

A. Prior to annual renewal of the Certificate of Registration as required by this Chapter, all building code enforcement officers and third-party providers, except Louisiana licensed architects or engineers as allowed by R.S. 40:1730.24(B), shall be registered with the International Code Council and obtain the continuing education units required for that registry.

B. Building code enforcement officers holding provisional certificates of registration and prior to certification and registration with the International Code Council shall provide evidence of one continuing education unit relating to construction code enforcement for the preceding year.

C. Prior to annual renewal of the certificate of registration, Louisiana licensed architects and engineers exempted by R.S. 40:1730.24(B) shall provide evidence of one continuing education unit in construction code enforcement relating to Act 12 and which is acceptable to their respective organizations, for the preceding year.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and R.S. 40:1730.38

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:2666 (December 2007).

## Chapter 9. Temporary Exemption to Certification Requirement

### §901. Employment after January 1, 2007

A. Upon employment by a parish, municipality, or other political subdivision, an individual must be granted a provisional certificate of registration without certification by a recognized code organization or testing agency, provided that such individual is under the supervision of a registered code enforcement officer who is certified by the International Code Council. This provisional certificate of registration is valid for 12 months. Residential plan reviewers shall be granted an additional 12-month provisional certificate of registration commencing on the date of the first ICC residential plans examiner test.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:293 (February 2007).

### §903. Employment prior to January 1, 2007

A. Certificates of Registration may be issued without certification by a recognized code organization or testing agency to building code enforcement officers already employed in code enforcement on January 1, 2007, only for the position and locality held at the time of registration. This registration is valid for three years for building officials and six months for building inspectors and plans reviewers. Additionally, inspectors and plan reviewers who were employed by an authority having jurisdiction before July 1, 2006, and remain employed by that authority having jurisdiction, an additional 30 month provisional certificate or registration may be granted provided the individual can demonstrate an annual minimum of three continuing education units for a core discipline as required in §703. Thereafter, anyone renewing this certificate of registration shall satisfy the certification requirement(s) as set forth in §703.

B. The building code enforcement officers designated in Paragraph A above shall have until January 1, 2012, to satisfy the certification requirements as set forth in §703 of this Part. Officials availing themselves of this provision shall obtain the required continuing education units and have attempted at least one International Code Council certification exam by January 1, 2010. Failure to do either

shall result in the revocation of that official's provisional certificate of registration.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1730.22(C) and (D).

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:293 (February 2007), amended LR 35:2476 (November 2009).

### **§905. Third Party Providers**

A. Third party providers who are Louisiana licensed architects or engineers and who obtain a certificate of registration after January 1, 2007, shall be granted a provisional certificate of registration without certification by a recognized code organization. This provisional certificate shall expire on December 31, 2007. However, beginning January 1, 2008, upon application and fulfillment of all other requirements necessary to obtain a certificate of registration, a third-party provider who is a Louisiana licensed architect or engineer shall be granted a certificate of registration without certification by a recognized code organization for their specialty work only.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1730.22(C) and (D).

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:1370 (July 2007), amended LR 34:93 (January 2008).

## **Chapter 11. Disciplinary Proceedings**

### **§1101. General**

A. The council shall have the authority to suspend, revoke or deny renewal of Certificates of Registration upon any violation of R.S. 40:1730.21 et seq., after notice and proper hearing.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1730.35(E).

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:293 (February 2007).

### **§1102. Informal Proceedings**

A. Notice. If the council receives written information indicating that a person holding a Certificate of Registration (registrant) is violating or has violated any provision of R.S. 40:1730.21 et seq., or this Part, the council, after an informal investigation, by the council administrator or his/her designee, shall notify the registrant, in writing, of the findings of the informal investigation by the council administrator. The council administrator is authorized to conduct the informal investigation by telephone or site visit as deemed necessary by the council administrator. Furthermore, for complaints involving an immediate safety threat or dangerous condition, the council administrator shall notify, in writing, the local building official of the complaint. After presentation of a report by the council administrator, the council may, in writing, order the registrant to immediately cease the conduct or violation.

B. Response. The registrant after written informal notice from the council, shall respond in writing to the council's

informal notice within 21 days of receipt by providing the council with a written statement containing any information related to the allegations of the informal notice which would show compliance with all requirements for retention or renewal of his/her certificate of registration. In lieu of providing a written statement, the registrant may request, in writing to the council administrator, an informal conference with the council chair, code enforcement advisory committee chair, council administrator, and legal counsel. In the event that a resolution to the matter is not accomplished during the informal procedures, the council administrator shall forward a report to the council for initiation of the formal procedures.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1730.35(E).

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:293 (February 2007), amended LR 34:1632 (August 2008).

### **§1103. Formal Proceedings**

A. Complaint. In the event that the matter is not resolved during the informal proceedings, the council shall file a formal complaint which then shall be forwarded to the registrant, via certified mail, to the address on file with the council.

B. Hearing. No hearing shall be conducted prior to 20 business days following the filing of the formal complaint.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1730.35(E).

**HISTORICAL NOTE:** Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:293 (February 2007).

### **§1105. Procedures**

A. Hearings. All hearings conducted before the council or a designated committee shall be in accordance with the Administrative Procedure Act.

B. Notice. The hearing notice shall include:

1. a statement of the time, place and nature of the hearing;
2. a statement of the legal authority under which the hearing is to be had;
3. a reference to the particular sections of the statutes and rules involved;
4. a short plain statement of the matters asserted.

C. Opportunity shall be afforded to all parties to respond and present evidence on all issues of fact involved and argument on all issues of law and policy involved and to conduct such cross examination as may be required for a full and true disclosure of the facts.

D. Unless precluded by law, informal disposition may be made of any case of adjudication by stipulation, agreed settlement, consent order or default.

**AUTHORITY NOTE:** Promulgated in accordance with R.S. 40:1730.35(E).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:293 (February 2007).

### §1107. Decisions and Orders

A. A final decision or order adverse to a party in an adjudication proceeding shall be in writing. A final decision shall include findings of fact and conclusions of law. Findings of fact, if set forth in statutory language, shall be accompanied by a concise and explicit statement of the underlying facts supporting the findings. Parties shall be notified by mail of the decision or order. A copy of the decision or order shall be sent via certified mail forthwith to each party and, if applicable, to his attorney of record. The parties by written stipulation may waive compliance with this Section. The council, in the event there is no contest, may eliminate compliance with this Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.35(E).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:294 (February 2007).

### §1109. Rehearings

A. A decision or order in a case of adjudication are subject to rehearing, reopening, or reconsideration by the council, within 10 days from the date of its entry. The grounds for such action shall be either that:

1. the decision or order is clearly contrary to the law and the evidence;
2. the party has discovered since the hearing evidence important to the issues which he could not have with due diligence obtained before or during the hearing;
3. there is a showing that issues not previously considered ought to be examined in order properly to dispose of the matter; or
4. there is other good ground for further consideration of the issues and the evidence in the public interest.

B. The petition of a party for rehearing, reconsideration, or review, and the order of the council granting it, shall set forth the grounds which justify such action. On reconsideration, reopening, or rehearing, the matter may be heard by the council, or it may be referred to a subordinate committee. The hearing shall be confined to those grounds upon which the reconsideration, reopening, or rehearing was ordered. If an application for rehearing shall be timely filed, the period within which judicial review, under the applicable statute, must be sought, shall run from the final disposition of such application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.35(E).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:294 (February 2007).

### §1111. Judicial Review of Adjudication

A. A registrant who is aggrieved by a final decision or order in an adjudication proceeding is entitled to judicial

review whether or not he has applied to the agency for rehearing, without limiting, however, utilization of or the scope of judicial review available under other means of review, redress, relief, or trial de novo provided by law. A preliminary, procedural, or intermediate action or ruling is immediately reviewable if review of the final council decision would not provide an adequate remedy and would inflict irreparable injury.

B. Proceedings for review may be instituted by filing a petition in the District Court of East Baton Rouge Parish within 30 days after mailing of notice of the final decision or, if a rehearing is requested, within 30 days after the decision thereon. Copies of the petition shall be served upon the council and all parties of record.

C. The filing of the petition does not itself stay enforcement of the council decision. The council may grant, or the reviewing court may order, a stay ex parte upon appropriate terms, relative to professions and occupations. The court may require that the stay be granted in accordance with the local rules of the reviewing court pertaining to injunctive relief and the issuance of temporary restraining orders.

D. Within 30 days after the service of the petition, or within further time allowed by the court, the council shall transmit to the reviewing court the original or a certified copy of the entire record of the proceeding under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate to limit the record may be taxed by the court for the additional costs. The court may require or permit subsequent corrections or additions to the record.

E. If, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and that there were good reasons for failure to present it in the proceeding before the council, the court may order that the additional evidence be taken before the council upon conditions determined by the court. The council may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions with the reviewing court.

F. The review shall be conducted by the court without a jury and shall be confined to the record. In cases of alleged irregularities in procedure before the council, not shown in the record, proof thereon may be taken in the court. The court, upon request, shall hear oral argument and receive written briefs.

G. The court may affirm the decision of the council or remand the case for further proceedings. The court may reverse or modify the decision if substantial rights of the appellant have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

1. in violation of constitutional or statutory provisions;
2. in excess of the statutory authority of the agency;

3. made upon unlawful procedure;
4. affected by other error of law;
5. arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion; or
6. not supported and sustainable by a preponderance of evidence as determined by the reviewing court. In the application of this rule, the court shall make its own determination and conclusions of fact by a preponderance of evidence based upon its own evaluation of the record reviewed in its entirety upon judicial review. In the application of the rule, where the council has the opportunity to judge the credibility of witnesses by first-hand observation of demeanor on the witness stand and the reviewing court does not, due regard shall be given to the agency's determination of credibility issues.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.35(E).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:294 (February 2007).

## Chapter 13. Code Enforcement Violations

### §1301. General

A. If the council has reason to believe that a person or authority having jurisdiction is violating or intends to violate a provision of this Part, it may order the person or authority having jurisdiction immediately to refrain from the conduct or to immediately start performing some specific act. The council may apply to the district court of the parish for an injunction restraining the person or authority having jurisdiction from the conduct or for a mandamus to compel the performance of a duty. The court may issue a temporary injunction ex parte not to exceed 10 days and upon notice a full hearing may issue other orders in the matter it considers proper. No bond is required of the council by the court as a condition to the issuance of an injunction or other order.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and R.S. 40:1730.37.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:2666 (December 2007).

### §1303. Informal Proceedings

A. If the council receives written information indicating that a person or authority having jurisdiction is violating or has violated any provision of R.S. 40:1730.21 et seq., or this Part, the council, after an investigation, may, in writing, order the person or authority having jurisdiction to immediately refrain from the conduct or violation or to immediately start performing some specific act.

B. Response. The person or authority having jurisdiction shall respond in writing to the council's informal notice within 10 days of receipt by providing the council with a written statement containing any information related to the

allegations of the informal notice which would show compliance with state law or this Part.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:2667 (December 2007).

### §1305. Investigation Procedures

A. In investigating a complaint, the following measures shall be observed by the council.

1. Complainant must file a written complaint with the council. The complaint shall be made on the form provided by the council.

2. The completed complaint form shall be mailed, faxed or hand delivered to the council administrator.

3. Once the complaint is filed with the council administrator, a file on the matter shall be opened and maintained by the administrator. A separate complaint file shall be kept on each complaint.

4. The council administrator shall oversee the investigation. The investigation may be conducted by the council administrator or his designee.

5. Upon completion of the investigation, the council administrator shall prepare a report to the council's Code Enforcement Advisory Committee.

6. The Code Enforcement Advisory Committee shall review the file and make a determination as to a course of action.

7. Once the Code Enforcement Advisory Committee makes their determination then they send their recommendation to the council to be heard at the earliest available council meeting.

8. The council shall consider the Code Enforcement Advisory Committee's recommendation then vote on a course of action.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D).

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:2667 (December 2007).

### §1307. Judicial Proceedings

A. Injunction or Mandamus. In the event that the matter is not resolved during the informal proceedings, the council may file a petition for injunction or seek a writ of mandamus with the district court having jurisdiction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1730.22(C) and (D) and R.S. 40:1730.37.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, State Uniform Construction Code Council, LR 33:2667 (December 2007).