

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3052 ORDINANCE COUNCIL SERIES NO. 05-
SPONSORED BY: MR. BINDER PROVIDED BY: COUNCIL OFFICE
INTRODUCED BY MR. THOMPSON SECONDED BY MR. BURKHALTER
ON THE 7TH DAY OF APRIL 2005

ORDINANCE TO AMEND THE CODE OF ORDINANCES, CHAPTER 13, TO ADD NEW SECTIONS TO PROVIDE FOR OPERATION OF MOTORIZED VEHICLES AND ENFORCEMENT OF TRAFFIC CONTROLS ON PRIVATE STREETS WITHIN OAK HARBOR SUBDIVISION. (WARD 9, DISTRICTS 12 & 13)

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that it amends the Code of Ordinances, Chapter 13, Division II, Motor Vehicles (Private) to add new sections thereto as follows:

DIVISION II
MOTOR VEHICLES (PRIVATE)

SECTION 13-019.07 OAK HARBOR SUBDIVISION

SECTION 13-019.07.1 Definitions

(1) Oak Harbor Subdivision is all of that portion or parcel of land zoned as a Planned Unit Development ("PUD") by the St. Tammany Parish Ordinance P.J. S. No. 88-938, which subdivision is shown on the maps attached to said ordinance, and for which final subdivision approval was granted by the governing body of St. Tammany Parish and as duly recorded in the office of the Clerk of Court for this Parish. The streets within said subdivision that were constructed by the developers of Oak Harbor, with the exception of Oak Harbor Boulevard and Landmark Drive, have never been dedicated to the Parish and the Parish has never maintained said streets. The streets were constructed at the expense of the developer of Oak Harbor and privately owned by the Oak Harbor Property Owners' Association, Inc.

(2) Street shall mean any roadway in said subdivision and designated and constructed for the use of vehicular traffic.

(3) Motorized vehicle shall include any and all conveyances having two (2) or more wheels, allowing for the transport of a person or persons which are propelled by gas, diesel or electric motors or engines; same shall include, but are not limited to, automobiles, motorcycles, go-carts, trail bikes, bicycles, golf carts or any other vehicle when so propelled.

SECTION 13-019.07.2. Speed Limits/Traffic Controls

It shall be unlawful for any person to operate or drive a motor vehicle upon the private streets within Oak Harbor Subdivision at a rate of speed in excess of 25 miles per hour.

Preferential right of way at an intersection may be indicated by stop signs or yield signs.

Except when directed to proceed by a police officer or traffic control signal, every driver and operator of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the cross walk on the near side at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection.

The driver or operator of a vehicle approaching a yield sign shall slow down to a speed reasonable for the existing conditions, or shall stop if necessary, before entering the cross walk on the near side of the intersection or, in the event there is no cross walk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. Having slowed or stopped in this manner, the driver shall yield the right-of-way to

any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard.

SECTION 13-019.07.3 Violations

Whoever violates the provisions of this Ordinance shall be guilty of a misdemeanor and shall be fined not more than One Hundred Dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both, in the discretion of the court.

SECTION 13-19.07.4 Enforcement

Any Sheriff's Deputy or bona fide or deputized police officer is herewith authorized and empowered to halt any motorized vehicle operating on the private streets of Oak Harbor Subdivision if the vehicle is exceeding the speed limit, has failed to obey a stop or yield sign, has parked in a designated "No Parking" zone, or for the purpose of determining whether or not the operator thereof has in his or her possession a valid and current Louisiana Operator's License, or for any other violation of state and parish motor vehicle laws or ordinances and to issue citation therefor.

SECTION 13-19.07.5 Maintenance and Indemnification.

It is the responsibility of the Oak Harbor Property Owners' Association, Inc. to maintain and keep up the roads within said Subdivision and to maintain and keep up the various stop signs, speed limit signs and other traffic signs within the subdivision. The Oak Harbor Property Owners' Association, Inc. agrees to hold harmless and indemnify St. Tammany Parish and the St. Tammany Parish Sheriff from any and all damages that may occur from the placement of any such signs, and from authorizing the Sheriff to enforce the speed limit, stop signs and other traffic controls within said private development.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect any other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY _____, SECONDED BY _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE WHICH RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT: