

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3652

ORDINANCE COUNCIL SERIES NO. _____

SPONSORED BY: MR. BILLIOT

PROVIDED BY: COUNCIL OFFICE

INTRODUCED BY: MR. STEFANCIK

SECONDED BY: MR. BURKHALTER

ON THE 6TH DAY OF SEPTEMBER 2007

ORDINANCE TO AMEND THE CODE OF ORDINANCES, CHAPTER 13, TO ADD NEW SECTIONS PROVIDING FOR OPERATION OF MOTORIZED VEHICLES AND ENFORCEMENT OF TRAFFIC CONTROLS ON PRIVATE STREETS WITHIN THE RESERVE SUBDIVISION AND ESTATES AT THE RESERVE SUBDIVISION. (WARD 4, DISTRICT 10)

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 13-019.10 THE RESERVE SUBDIVISION

SECTION 13-019.10.1 Definitions

(1) The Reserve Subdivision is a residential subdivision located within an unincorporated area of St. Tammany Parish 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 developer 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 The Reserve Subdivision and privately owned by The Reserve 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 13-019.10.2 Speed Limits/Traffic Controls

It shall be unlawful for any person to operate or drive a motor vehicle upon the private streets within The Reserve Subdivision at a rate of speed in excess of 20 miles per hour.

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

The placement of speed limit signs, stop signs or yield signs at intersections, and other traffic control signage will be the responsibility of The Reserve Owners Association, Inc.

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 13-019.10.3 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 13-19.10.4 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 The Reserve 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 13-19.10.5 Maintenance and Indemnification.

It is the responsibility of The Reserve 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. By requesting the enforcement of traffic regulations within the subdivision, The Reserve 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.

BE IT FURTHER ORDAINED BY THE PARISH OF ST. TAMMANY that it also amends the Code of Ordinances, Chapter 13, Division II, Motor Vehicles (Private) to add additional sections thereto as follows:

DIVISION II MOTOR VEHICLES (PRIVATE)

SECTION 13-019.11 ESTATES AT THE RESERVE SUBDIVISION

SECTION 13-019.11.1 Definitions

(1) Estates at the Reserve Subdivision is a residential subdivision located within an unincorporated area of St. Tammany Parish 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 developer 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 Estates at the Reserve Subdivision and privately owned by The Reserve 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 13-019.11.2 Speed Limits/Traffic Controls

It shall be unlawful for any person to operate or drive a motor vehicle upon the private streets within the Estates at the Reserve Subdivision at a rate of speed in excess of 20 miles per hour.

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

The placement of speed limit signs, stop signs or yield signs at intersections, and other traffic control signage will be the responsibility of The Reserve Owners Association, Inc.

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 13-019.11.3 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 13-19.11.4 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 the Estates at the Reserve 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 13-19.11.5 Maintenance and Indemnification.

It is the responsibility of The Reserve 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. By requesting the enforcement of traffic regulations within the subdivision, The Reserve 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 immediately upon final adoption.

ORDINANCE CAL. NO. 3652

ORDINANCE C. S. NO. _____

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MOVED FOR ADOPTION BY _____, SECONDED BY _____

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

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE ___ DAY OF _____ 2007; AND BECOMES ORDINANCE COUNCIL SERIES NO. _____.

BARRY BAGERT, COUNCIL CHAIRMAN

ATTEST:

DIANE HUESCHEN, COUNCIL CLERK

KEVIN C. DAVIS, PARISH PRESIDENT

Published Introduction on August 30, 2007
Published Adoption on _____, 2007

Delivered to Parish President _____, 2007 at _____
Returned to Council Clerk _____, 2007 at _____

ADMINISTRATIVE COMMENT

COUNCIL OFFICE

ITEM #5 OFF THE FLOOR comes at the request of the homeowners association for The Reserve and Estates at the Reserve to address traffic control and enforcement problems within the subdivisions. It is a matter affecting the public health, safety and welfare and therefore eligible for introduction off the floor at the September 06th Parish Council Meeting.

3652

THE RESERVE OWNERS ASSOCIATION, INC.
2895 Hwy 190, Box 206
Mandeville, LA 70471

board@reservehomeowners.org
www.reservehomeowners.org

August 28, 2007

Via Electronic Mail

Mr. Henry Billiot
Councilman, District 10
St. Tammany Parish Council
P.O. Box 628
Covington, LA 70434

Dear Mr. Billiot:

Thank you for talking with me yesterday regarding the Association's concerns about speeding and other traffic violations in our neighborhoods, The Reserve and the Estates of the Reserve. The posted speed limit in our neighborhoods is 20 miles per hour, but the Association is without authority to enforce this limit. Obviously, violations of the posted speed limit present serious safety concerns, especially in neighborhoods where small children are present.

Following our conversation, the Board of Directors of the Reserve Owners Association authorized me to request that you seek an ordinance of the St. Tammany Parish Council authorizing the Sheriff to enforce traffic laws within our neighborhoods. If you need anything else from me to introduce a proposed ordinance and to seek its adoption, please let me know.

On behalf of the Board and its members individually, thank you for your prompt attention to this matter and for your diligent representation of District 10. We truly appreciate all that you do.

Sincerely,



Kathryn M. Knight
President, Board of Directors
Reserve Owners Association, Inc.

cc: Michael Sevante (via electronic mail)

Mike Sevante

From: Knight, Kathryn M. [KKnight@stonepigman.com]
Sent: Tuesday, August 28, 2007 12:40 PM
To: billiot10@msn.com
Cc: Mike Sevante
Subject: The Reserve and the Estates of the Reserve

Attachments: SCAN8001_000.pdf



SCAN8001_000.pdf
(25 KB)

Mr. Billiot,

The attached letter is a follow-up to our conversations yesterday regarding enforcement of traffic laws in our neighborhoods. Please let me know if you need anything else to be able to seek adoption of the ordinance we discussed.

Many thanks for your assistance.

Kathryn

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New Orleans, Louisiana 70130
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