

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3738 ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: BINDER/DAVIS PROVIDED BY: ENVIRONMENTAL SERVICES

INTRODUCED BY: _____ SECONDED BY: _____

ON THE ___ DAY OF _____, 2008

ORDINANCE TO AMEND CODE OF ORDINANCES, CHAPTER 15, TO REESTABLISH CRIMINAL PENALTIES FOR INTENTIONAL, COMMERCIAL LITTERING AND LITTERING.

SEC. 15-001.03(C)(2)(a)(b)(c) Intentional littering prohibited; criminal penalties

C. When litter disposed in violation of this Section is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings that display the name of a person or any other manner indicate that the article belongs or belonged to such person, there shall be an inference that such person has violated this Section.

1. *The person shall be cited for the offense by means of a citation, summons, or other means provided by law.*
2.
 - a. *Whoever violates the provisions of this Section shall, upon first conviction, be fined not less than fifty (50) dollars two hundred and fifty (\$250.00) nor more than five hundred (\$500) dollars and sentenced to serve four (4) eight (8) hours of community service in a litter abatement work program as approved by the Court.*
 - b. *Upon second conviction, an offender shall be fined not less than three hundred (300) five hundred (\$500.00) dollars nor more than one thousand five hundred (\$1,500) dollars and sentenced to serve eight (8) sixteen (16) hours of community service in a litter abatement work program as approved by the Court.*
 - c. *Upon third or subsequent conviction, an offender shall be fined not less than five hundred (500) one thousand two hundred and fifty (\$1,250.00) dollars nor more than three thousand (\$3,000) dollars, have his motor vehicle driver's license suspended for one year, be imprisoned for not more than thirty days, or and be sentenced to serve not less than twenty-four (24) hours and no more than seventy-five (75) eighty (80) hours of community service in a litter abatement work program as approved by the Court, or all or any combination of the aforementioned penalties provided by this Subparagraph.*

SEC. 15-001.05(G)(1)(H)(1)(2)(3) Commercial littering prohibited; civil penalties; special court costs

G. Any person found liable under the provisions of this Section shall:

1. *Pay a civil penalty of one hundred (\$100) dollars.*

H. Any person found liable under the provisions of this Section shall pay special court costs of fifty (\$50) dollars in lieu of other costs of court that shall be disbursed as follows:

1. *Twenty dollars (\$20) shall be paid to the judicial expense fund for that judicial district, or to the justice of the peace or the city court, as the case may be.*
2. *Twenty dollars (\$20) shall be paid to the office of the district attorney, or to the constable or to the municipal prosecuting attorney, as the case may be.*
3. *Ten One hundred dollars (\$10) shall be paid to the clerk of the district court, or to the justice of the peace or the city court, as the case may be.*

SEC. 15-001.06(G)(1)(2)(3)(H)(1)(2)(3) Littering prohibited; civil penalties; special court costs

G. Persons found liable under the provisions of this Section shall be assessed the following penalties:

1. For a first violation, such person shall be either fined ~~fifty (\$50)~~ seventy-five (\$75.00) dollars or be given the option to perform eight (8) hours of community service in a litter abatement work program in lieu of the assessed fine.

2. For a second violation and each subsequent violation, such person shall be either be fined one hundred (\$100) five hundred (\$500.00) dollars or be given the option to perform eight (8) sixteen (16) hours of community service in a litter abatement work program in lieu of the assessed fine.

H. Persons found liable under the provisions of this Section shall pay special court costs of ~~fifty (\$50)~~ one hundred (\$100.00) dollars in lieu of other costs of court that and the special court costs shall be disbursed as follows:

1. Twenty dollars (\$20) shall be paid to the judicial expense fund for that judicial district, or to the justice of the peace or the city court, as the case may be.

2. Twenty dollars (\$20) shall be paid to the office of the district attorney, or to the constable or to the municipal prosecuting attorney, as the case may be.

3. Ten dollars (\$10) shall be paid to the clerk of the district court, or to the justice of the peace or the city court, as the case may be.

4. Twenty-five (\$25.00) dollars shall be paid to the state treasury for credit to the Keep Louisiana Beautiful Fund.

5. Twenty-five (\$25.00) dollars shall be paid to the law enforcement agency that issued the citation.

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

SEVERABILITY: If any provisions of this Ordinance shall be held to be invalid, such invalidity shall not affect 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 upon adoption.

MOVED FOR ADOPTION BY: _____, **SECONDED BY:** _____

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

YEAS:

NAYS:

ABSTAIN:

ABSENT