

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3829

ORDINANCE COUNCIL SERIES NO. _____

SPONSORED BY: MR. COOPER

PROVIDED BY: COUNCIL OFFICE

INTRODUCED BY _____

SECONDED BY _____

ON THE _____ DAY OF _____ 2008

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 THE HIGHLANDS SUBDIVISION. (WARD 2, DISTRICT 2)

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 HIGHLANDS

SECTION 13-019.10.1

Definitions

(1) The Highlands 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 developers of The Highlands, 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 Highlands and privately owned by the Highlands Homeowners' Association of St. Tammany, 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 Highlands 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.

The placement of speed limit signs, stop signs or yield signs at intersections will be as determined by the St. Tammany Parish Department of Public Works, with the cost for labor and materials for placement of said signs to be paid for by the Highlands Homeowners' Association of St. Tammany, 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 13-019.10.4 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 Highlands 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 13-019.10.5 Maintenance and Indemnification.

It is the responsibility of the Highlands Homeowners' Association of St. Tammany, 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 Highlands Homeowners' Association of St. Tammany, 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:

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ORDINANCE C. S. NO. _____

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THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF
THE PARISH COUNCIL ON THE _____ DAY OF _____ 2008, AND BECOMES
ORDINANCE COUNCIL SERIES NO. _____.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

DIANE HUESCHEN, COUNCIL CLERK

KEVIN C. DAVIS, PARISH PRESIDENT

Published Introduction on April 24, 2007
Published Adoption on _____, 2007

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

**RESOLUTION OF THE BOARD
OF DIRECTORS OF THE HIGHLANDS
HOMEOWNERS ASSOCIATION OF ST. TAMMANY, INC.
April 2, 2008**

This resolution was adopted by unanimous vote of the Board of Directors (Board) of the Highlands Homeowners Association of St. Tammany, Inc. (HHASTI) attending a meeting called by the President for April 2, 2008. The directors present were: Dee Middleton, Mary Ann Tusa, Sheila Trahan, Ray Wilkes and Terry B. Trahan.

WHEREAS, the BOARD has the authority to act on behalf of the HHASTI;

And, HHASTI was organized to provide for the improvement, beautification, and maintenance of values and amenities in the Highlands Subdivision, a residential development consisting of 126 individual lots located in the unincorporated area of St. Tammany Parish;

And, HHASTI is deemed the owner of and has the authority and responsibility for maintaining the private streets and roadways in the Highlands subdivision including, without limitation, Highland Crest Dr., Tartan Trace, Heather Hollow, Piper Pt., White Oak Ct., and all roadways leading to dam/boat launches;

And, the Board believes that in order to maintain these roadways as well as enhance the safety and security of the residents of the Highlands subdivision, it is in the best interest of the Highlands subdivision and members of the HHASTI to adopt traffic regulations, which would be enforceable by the St. Tammany Parish Sheriff's Department;

And, the Board requests the St. Tammany Parish Council, pursuant to their authority under La. R.S. 32:41(A)(9) and La. R.S. 32:42 and any other applicable statutes or ordinances, adopt an ordinance or ordinances regulating and establishing the speed limit and load limit on the private streets and roadways in the Highlands Subdivision, noting that stop signs have been installed and maintained by the HHASTI at all intersecting paved streets throughout the Highlands Subdivision and a speed limit sign is installed at the entrance into the Highlands Subdivision;

And, the Board desires the adoption and enforcement of said ordinance or ordinances without changing the legal character of the streets and roadways in the Highlands Subdivision as private (as opposed to public).

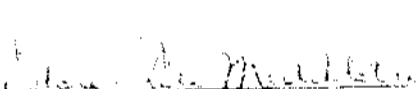
NOW, THEREFORE, BE IT RESOLVED that the following resolution be adopted by the Board on behalf of the HHASTI:

THAT the St. Tammany Parish Council adopts an ordinance or ordinances regulating the following:

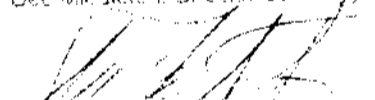
- (1) establishment of a maximum speed limit of 25 miles per hour upon the following streets and roadways in the Highlands Subdivision: Highland Crest Dr., Tartan Trace, Heather Hollow, Piper Pt., White Oak Ct., and all roadways leading to dam/boat launches;
- (2) preferential rights-of-way at intersections indicated by stop signs;
- (3) issuance of citations for speeding and stop sign violations and for any other violation of motor vehicle laws or ordinances deemed in the interest of public safety.

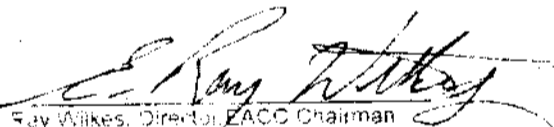
- (4) Restricting operation of motorized vehicles upon the streets and roadways of the Highlands subdivision to only those properly licensed for street/road use under the laws of the State of Louisiana with the exception of off-road roadway and right-of-way maintenance equipment such as mowers, tractors, etc.
- (5) Issuance of citations to persons operating any motorized vehicle upon the streets and roadways of the Highlands subdivision who do not have in their possession the proper Class of current Driver's License or Operator's License for the motorized vehicle they are operating.
- (6) Restricting load limits of vehicles hauling bulk construction materials in dump body trucks to 12 cubic yards and 6 cubic yards in ready-mix concrete trucks.
- (7) Provisions for maintenance and upkeep of the traffic signs in the Highlands subdivision and for hold harmless and indemnity by the MHA/STI in favor of St. Tammany Parish for any damage occurring due to the placement of traffic signs and the authorization for enforcement of speed limits, stop signs, vehicle licensing, driver's licensing and load limits.

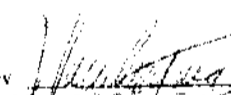
This resolution executed on the 5TH day of August, 2008 by:


 Deb Middleton, Director Secretary


 Chela Tahan, Director Treasurer


 Gary B. Tahan, Director President


 Fay Wilkes, Director EACC Chairman

Notarized by 
 Mary Ann Tisa, Director Vice-President