

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4104

ORDINANCE COUNCIL SERIES NO. 09-

SPONSORED BY: MR. DEAN

PROVIDED BY: COUNCIL OFFICE

INTRODUCED BY: MR. STEFANCIK

SECONDED BY: MR. GOULD

ON THE 2ND DAY OF JULY, 2009

ORDINANCE TO AMEND THE PARISH 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 FOX BRANCH ESTATES SUBDIVISION. (WARD 1, DISTRICT 1)

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 13-019.13 FOX BRANCH ESTATES

SECTION 13-019.13.1 Definitions

(1) Fox Branch Estates 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 developers of Fox Branch Estates have never been dedicated to the Parish and the Parish has never maintained said streets. The streets were constructed at the expense of the developers of Fox Branch Estates and privately owned by the Fox Branch Homeowners' 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 13-019.13.2 Speed Limits/Traffic Controls

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

Preferential right of way at an intersection will be indicated by stop signs.

The placement of speed limit signs and stop 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 Fox Branch Homeowners' 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. Having 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 13-019.13.3 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 13-019.13.4 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 Fox Branch Estates Subdivision if the vehicle is exceeding the speed limit, has failed to obey a stop 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 13-019.13.5 Maintenance and Indemnification.

It is the responsibility of the Fox Branch Homeowners' 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 Fox Branch Homeowners' 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 final adoption.

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 DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 6TH DAY OF AUGUST, 2009, AND BECOMES ORDINANCE COUNCIL SERIES NO. 09-.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

KEVIN C. DAVIS, PARISH PRESIDENT

Published Introduction on June 25, 2009
Published Adoption on _____, 2009
Delivered to Parish President _____, 2009 at _____
Returned to Council Clerk _____, 2009 at _____

RESOLUTION OF THE BOARD OF DIRECTORS OF FOX BRANCH HOMEOWNERS ASSOCIATION, INC.

June 3, 2009

This resolution was adopted by unanimous vote of the Board of Directors (Board) of the Fox Branch Homeowners Association, Inc. (FBHOA) attending a meeting on June 3, 2009.

WHEREAS, the Board has the authority to act on behalf of FBHOA;

WHEREAS, FBHOA was organized to provide for the improvement, beautification and maintenance of values and amenities in Fox Branch Estates, a residential development consisting of 99 individual lots, located in the unincorporated area of St. Tammany Parish;

WHEREAS, FBHOA is deemed the owner of and has the authority and responsibility for maintaining the private streets and roadways in Fox Branch Estates including, without limitation, Arctic Fox Run, Fox Branch Crossing, Red Fox Run, Sand Fox Run and Swift Fox Run;

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

WHEREAS, 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 Fox Branch Estates, noting that stop signs have been installed and maintained by FBHOA at all intersecting paved streets throughout Fox Branch Estates and speed limit signs are installed on the streets and roadways of Fox Branch Estates;

WHEREAS, the Board desires the adoption and enforcement of said ordinance or ordinances without changing the legal character of the streets and roadways in Fox Branch Estates as private (opposed to public):

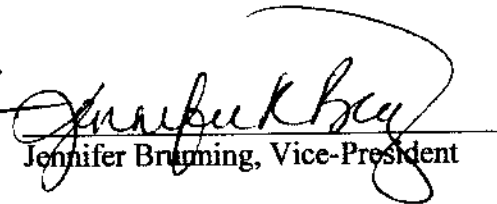
THEREFORE, be it resolved that the following resolution be adopted by the Board on behalf of FBHOA:

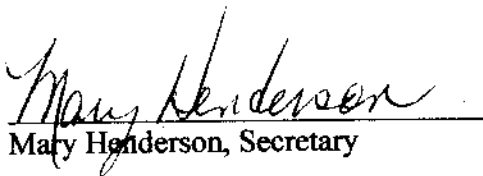
THAT the St. Tammany Parish Council adopts an ordinance or ordinances regulating the following:

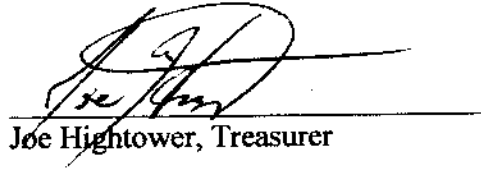
- (1) establishment of a maximum speed limit of 20 miles per hour upon the following streets and roadways in Fox Branch Estates: Arctic Fox Run, Fox Branch Crossing, Red Fox Run, Sand Fox Run and Swift Fox Run;
- (2) preferential rights-of-way at intersections indicated by stop signs;
- (3) issuance of citations for speeding and stop sign violations and for any other violations 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 Fox Branch Estates 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 Fox Branch Estates 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 the load limit of vehicles hauling bulk 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 Fox Branch Estates and hold harmless and indemnity by FBHOA 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 3rd day of June, 2009 by:


James Sprader, President


Jennifer Brumming, Vice-President


Mary Henderson, Secretary


Joe Hightower, Treasurer

Doris Calder

Doris Calder, Director

Donna Hebert

Donna Hebert, Director

Stephanie Usey

Stephanie Usey, Director