

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4001 ORDINANCE COUNCIL SERIES NO. 09-

COUNCIL SPONSOR MR. BINDER PROVIDED BY COUNCIL ATTORNEY

INTRODUCED BY: MR. STEFANCIK SECONDED BY: MR. BURKHALTER

ON THE 5TH DAY OF FEBRUARY, 2009

ORDINANCE TO REPEAL AND REENACT SECTION 13-001.01 OF THE ST. TAMMANY PARISH CODE OF ORDINANCES TO PROHIBIT OPERATING A MOTOR VEHICLE UPON ANY PUBLIC LEVEE IN UNINCORPORATED ST. TAMMANY PARISH. TO REGULATE OPERATING MOTOR VEHICLES ON PRIVATELY OWNED AND MAINTAINED LEVEES, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, in order to protect the public health, safety and welfare, and to protect flood control levees from wear, tear and damage caused by motor vehicles being operated upon public levees and those that are privately owned and maintained.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that current Section 13-001.01 of the St. Tammany Parish Code of Ordinances, Vehicles Prohibited on Levees in Drainage District No. 4, is hereby repealed, and Section 13-001.01 Motor Vehicles Prohibited on Levees is hereby enacted to provide as set forth herein after.

~~SEC. 13-001.01 Vehicles Prohibited On Levees In Drainage District No. 4.~~

~~a) Prohibited: It shall be unlawful for any person to operate any vehicle across or upon the levees located within the boundaries of Drainage District No. 4.~~

~~b) Exemptions: Exempt herefrom are any law enforcement official(s) engaged in the pursuit of his duties; or individuals contracted by or representing Drainage District No. 4 in connection with the maintenance or preservation of such levees.~~

~~c) Violation: Any violation hereof shall constitute a misdemeanor punishable as is contained in Section 1-008.00 of this Code of Ordinances. (Ord. No. 91-1471, adopted 07/18/91)~~

~~CROSS REFERENCE: See Sec. 15-718.00 entitled Trespassing Prohibited On Levees Within Drainage District No. 4.~~

SEC. 13-001.01 Motor Vehicles Prohibited on Levees

1) Prohibited: (a) No person shall operate a motor vehicle upon any public levee that is located in unincorporated St. Tammany Parish.

(b) No person shall operate a motor vehicle upon any levee that is privately owned and maintained after having been forbidden to do so, either orally or in writing, including by means of any sign hereinafter described, by any owner, lessee, or custodian of the property or by any other authorized person. For the purposes of this Section, the above-mentioned sign means a sign or signs posted on the immovable property, or part, portion or area thereof, at a place or places where such sign or signs may be reasonably expected to be seen. Such sign shall be on a white background with large block letters, no less than four (4) inches high, which read, "MOTOR VEHICLES PROHIBITED ON LEVEE."

2) Definition: "Public levee" means a levee that is publically owned or maintained by St. Tammany Parish or is under the jurisdiction and control of a political subdivision thereof.

"Motor vehicle" means any vehicle propelled by steam, gasoline, electricity, or any other source of energy other than muscular power, which includes but is not limited to automobiles, trucks, truck-tractors, trailers, semitrailers, motor homes and recreational

vehicles, motorcycles, motorbikes, motor scooters, motorized bicycles, and off-road vehicles commonly referred to as three-wheelers, four wheelers, or other all-terrain vehicles which are not specifically designated for road use.

3) Penalty: Whoever violates the provisions of this Section shall be guilty of a misdemeanor. The following penalties shall be imposed for a violation of this Section:

(a) For the first offense, the fine shall be two hundred dollars or imprisonment for not more than thirty days or both.

(b) For the second offense, the fine shall be three hundred and fifty dollars or imprisonment for not more than thirty days or both.

(c) For the third offense and all subsequent offenses, the fine shall be five hundred dollars or imprisonment for not more than thirty days or both.

4) Exemption: The following persons may be exempt from the provisions of this Section:

(a) A duly commissioned law enforcement officer in the performance of his duties.

(b) Any firefighter, whether or not a member of a volunteer or other fire department, and any employee or agent of the Louisiana Department of Agriculture and Forestry engaged in locating and suppressing a fire.

(c) Emergency medical personnel engaged in the rendering of medical assistance to an individual.

(d) Any federal, state or local government employee, public utility employee or agent engaged in suppressing or dealing with an emergency that presents an imminent danger to human safety or health or to the environment.

(e) Any federal, state, public utility employee or agent, or local government employee, including employees of the St. Tammany Parish Department of Engineering, Department of Public Works, and levee or drainage district, in the performance of duty in inspecting, guarding, maintaining, or repairing the levees.

(f) In the case of a levee that is privately owned and maintained, an employee of the owner, lessee or custodian of the immovable property while performing his duties, functions and responsibilities in the course and scope of his employment.

(g) A professional land surveyor or his authorized personnel, engaged in the "Practice of Land Surveying", as defined in R.S. 37:682.

(h) Any person authorized by the owner of the levee or by a court of law.

(i) Any person exercising the mere right of passage to an enclosed estate, as otherwise provided by law.

(j) Nothing in this Section shall interfere with the crossing over any public levees, at ramps, crossings, or inclines established under plans and specifications of the Department of Public Works.

CROSS REFERENCE: See Sec. 15-718.00 entitled Trespassing Prohibited On Levees Within Drainage District No. 4.

EDITORIAL NOTE: New Section 13-001.01 was created under the authority of Ordinance No. C.S. 09-_____, adopted 03/05/09, which provides that All Ordinances or parts of Ordinances in conflict herewith

are hereby repealed. To the extent that any provision of Sec. 15-718.00 may be inconsistent with, or in conflict with, the provisions of this Section, the provisions of this Section shall govern.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. To the extent that any provision of Sec. 15-718.00 may be inconsistent with, or in conflict with, the provisions of this Section, the provisions of this Section shall govern.

SEVERABILITY: If any provision 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 fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: _____, SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND 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 _____ 2009; AND BECOMES ORDINANCE COUNCIL SERIES NO. 09-_____.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

KEVIN DAVIS, PARISH PRESIDENT

Published introduction: _____, 2009
Published adoption on: _____, 2009

Delivered to Parish President: _____, 2009 @ _____
Returned to Council Clerk: _____, 2009 @ _____