

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5618

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: MR. TOLEDANO

PROVIDED BY: COUNCIL OFFICE

INTRODUCED BY: MR. CANULETTE

SECONDED BY: MR. BELLISARIO

ON THE 7 DAY OF JULY, 2016

ORDINANCE TO AMEND THE PARISH CODE OF ORDINANCES, CHAPTER 13, TO ADD NEW SECTIONS PROVIDING FOR OPERATION OF MOTORIZED VEHICLES AND ENFORCEMENT OF TRAFFIC CONTROLS ON PRIVATE STREETS WITHIN EMERALD OAKS CONDOMINIUM ASSOCIATION. (WARD 3, DISTRICT 5)

WHEREAS, Emerald Oaks Condominium Association is a private community that has requested the Parish to authorize the enforcement of state and local traffic laws by the St. Tammany Sheriff upon the private streets of the Association.

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, to wit:

Chapter 13 Motor Vehicles Traffic

DIVISION II Motor Vehicles (Private)

SECTION 13-019.18 Coquille Subdivision

SECTION 13-019.18.1 DFEFINITIONS

(1) Emerald Oaks Condominium Association 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 or will be constructed by the developers of Emerald Oaks Condominium Association 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 Emerald Oaks Condominium Association and privately owned by Emerald Oaks Condominium 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 13-019.18.2 Speed Limits/Traffic Controls

It shall be unlawful for any person to operate or drive a motor vehicle upon the private streets within Emerald Oaks Condominium Association 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 Emerald Oaks Condominium 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 13-019.18.3 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 13-019.18.4 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 Emerald Oaks Condominium Association 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 13-019.18.5 Maintenance and Indemnification It is the responsibility of the Emerald Oaks Condominium Association initially 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. Emerald Oaks Condominium 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 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 DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 4 DAY OF AUGUST , 2016 ; AND BECOMES ORDINANCE

COUNCIL SERIES NO _____.

MARTY DEAN, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: JUNE 30 , 2016

Published Adoption: _____ , 2016

Delivered to Parish President: _____ , 2016 at _____

Returned to Council Clerk: _____ , 2016 at _____

**RESOLUTION OF THE BOARD OF DIRECTORS OF
EMERALD OAKS CONDOMINIUM ASSOCIATION, INC.**

WHEREAS, at a meeting of the Board of Emerald Oaks Condominium Association, Inc. on the 6th day of June, 2016, by way of unanimous consent of the Board, the following resolution was adopted:

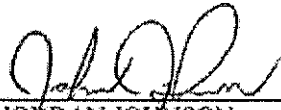
WHEREAS, Article VII(E)(b) of the Condominium Declaration of Emerald Oaks Condominium Association, Inc., states that St. Tammany Parish is granted jurisdiction over the condominium property with respect to law enforcement, and has a perpetual, non-exclusive right and servitude upon, over and across all of the common elements for purposes of performing such duties and activities related to law enforcement in the condominium property as shall be required or appropriate from time to time by such governmental authority under applicable law.

Emerald Oaks Condominium Association, Inc. agrees to maintain and keep up the roads within said subdivision and to place, maintain and keep up the stop signs, speed limit signs and other traffic signs within the subdivision according to La. DOTD mandated standards. The Emerald Oaks Condominium 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 and maintenance of any such signs, and from authorizing the Sheriff to enforce the speed limit, stop signs and other traffic controls within said private development.

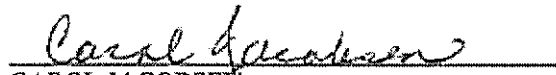
NOW THEREFORE, BE IT RESOLVED by the members of the Board of Emerald Oaks Condominium Association, Inc. that:

St. Tammany Parish Sheriff's Office is authorized to perform police details and issue traffic citations within Emerald Oaks Subdivision to control traffic violations in accordance with the laws of St. Tammany Parish.

THIS DONE AND ADOPTED THIS 10th DAY OF JUNE, 2016.



JORDAN JOHNSON
President of Emerald Oaks Condominium Association, Inc.



CAROL JACOBSON
Secretary of Emerald Oaks Condominium Association, Inc.