

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 6299

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: LORINO/BRISTER

PROVIDED BY: CIVIL DIVISION ADA

INTRODUCED BY: MR. BELLISARIO

SECONDED BY: MR. CANULETTE

ON THE 5 DAY OF DECEMBER, 2019

ORDINANCE TO AMEND THE CODE OF ORDINANCES,
ST. TAMMANY PARISH, CHAPTER 2, TO AMEND CODE
ENFORCEMENT PROCEDURES FOR REFERRAL TO
CONSTABLES.

WHEREAS, the Louisiana Legislature authorized the enforcement of the St. Tammany's property standards and/or nuisance violations by the St. Tammany Parish Justice of the Peace Courts and Constables pursuant to Act No. 28 of the 2019 Regular Session; and

WHEREAS, in order to allow for enforcement by the constables following the opening of a code enforcement complaint it is necessary to amend the Parish Code of Ordinances, Chapter 2, to allow Parish the option to refer potential violations to the Constables for prosecution.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that Chapter 2 of the St. Tammany Parish Code of Ordinances is amended as follows:

Sec. 2-541. Procedure for Code violations.

(a) *Procedures.* Whenever a violation of this Code occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the cause and basis thereof, shall be filed with the designated administrative department to administer and enforce this Code or referred to a constable. If not immediately referred to a constable, He he shall record properly such complaint, immediately investigate and take action thereon as provided by this Code. During the investigation, the following determination will be made and properly noted:

- (1) Whether the condition creating an emergency is a health or safety hazard;
- (2) Whether the condition is on private property or public property;
- (3) Whether the condition is a violation of this Code;
- (4) The specific section (chapter and section) of this Code which has been violated;
- (5) Whether the condition is a permit violation:
 - (a) If the violation is a health or safety hazard, see subsection (f) of this section;
 - (b) If the violation is a permit violation, see subsection (g) of this section.

(e) *Follow-up.* After the time has expired to correct the violation and no action has occurred to correct the violation and remit the penalties, the inspector's supervisor will submit copies of the numbered violation file to the district attorney's office or a parish constable for further legal action to accomplish the following:

- (1) Have the violation corrected.
- (2) Cause the violator to remit payment of the penalties and reimbursement costs.

Sec. 2-545. Referral for disposition.

The parish enforcement officers are specifically vested with the right to exclusively have the ability to refer matters to the office of the district attorney, constables and/or the administrative hearing officer on a case-by-case basis as exclusively determined by the parish.

Sec. 2-551. Costs, Fines and penalties.

(d) Fines and penalties.

(20) The officer shall have the authority to refer any matter to the office of the district attorney for the 22nd Judicial District Court for further handling, the United States Department of Justice, United States Corps of Engineers, the state, a parish constable or such other departments or agencies as needed and warranted under the circumstances.

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 16 DAY OF JANUARY , 2020 ; AND BECOMES ORDINANCE COUNCIL SERIES NO ____.

MICHAEL R. LORINO, JR. , COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: NOVEMBER 28 , 2019

Published Adoption: _____, 2019

Delivered to Parish President: _____, 2019 at _____

Returned to Council Clerk: _____, 2019 at _____

Ordinance Administrative Comment

ORDINANCE TO AMEND THE CODE OF ORDINANCES, ST. TAMMANY PARISH, CHAPTER 2, TO AMEND CODE ENFORCEMENT PROCEDURES FOR REFERRAL TO CONSTABLES.

St. Tammany Parish seeks to amend certain procedural provisions involving Office of Code Enforcement in Chapter 2 of the Code of Ordinances to allow for referral of Code Enforcement violations by constables.

This is to avoid confusion in procedures that, as presently written, may not allow referral to constables once a violation is initiated by Office of Code Enforcement.

This is being done in accordance with Act No. 28 of the 2019 Regular Session of the Louisiana Legislature, which empowered the constables/justice of the peace courts to address code violations.