

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 6365

ORDINANCE COUNCIL SERIES NO: \_\_\_\_\_

COUNCIL SPONSOR: TOLEDANO

PROVIDED BY: CIVIL DA/ENVIRO SERVICES

INTRODUCED BY: MR. AIREY

SECONDED BY: MR. FITZGERALD

ON THE 7 DAY OF MAY, 2020

ORDINANCE TO AMEND THE CODE OF ORDINANCES, ST. TAMMANY PARISH, CHAPTER 40 - UTILITIES, ARTICLE XI - SEWAGE FROM SEPTIC AND SLUDGE, SEC. 40-332 - ENFORCEMENT AND PENALTIES, TO DESIGNATE SEWAGE, SEPTAGE, AND SLUDGE VIOLATIONS AS PROPERTY STANDARDS VIOLATIONS TO ALLOW FOR ENFORCEMENT BY JUSTICES OF THE PEACE AND CONSTABLES.

WHEREAS, the Louisiana Legislature authorized the enforcement of St. Tammany Parish's property standard and/or nuisance violations by the St. Tammany Parish Justice of the Peace courts and Constables pursuant to Act 28 of the Regular Session; and

WHEREAS, it is necessary to amend Chapter 40 - Utilities, Article XI - Sewage from Septic and Sludge, Sec. 40-332 - Enforcement and Penalties, to designate sewage, septage, and sludge violations as property standards violations in order to allow enforcement by Justices of the Peace and Constables.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that Chapter 40 - Utilities, Article XI - Sewage from Septic and Sludge, Sec. 40-332 - Enforcement and Penalties of the St. Tammany Parish Code of Ordinances is amended as follows:

**Article XI. Sewage from Septic and Sludge**

**Sec. 40-332. - Enforcement and penalties.**

Provisions of this article shall be enforced by the department and/or its designated representative. Any violation hereof shall constitute a misdemeanor and shall be punishable as provided in section 1-9.

(1) Misdemeanor. Any person within the parish who violates this article, or who shall permit such a violation to exist on the premises under his control, or who shall fail to take action to abate the existence of the violation, shall be guilty of a misdemeanor and upon conviction thereof shall be punishable therefore, provided by law. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(2) Equitable relief. In the event a violation exists or there is a threat of a violation of the ordinance, the department, or their designees, may take appropriate action to enforce the ordinance. Such action may include application for injunctive relief, action to compel performance, including revocation of any license or other appropriate action in court if necessary to prevent, restrain, correct or abate such violation or threatened violations. Such remedies are cumulative in nature.

(3) Civil action or cost as special tax. If a person fails to comply with the provisions of this article, the parish may recover cost incurred for corrective action in a civil action in any court of competent jurisdiction or, at the discretion of the parish government, the cost may be certified to the parish auditor as a special tax against the real property.

(4) Citation. The department, or their designees, may issue citations for violations of the ordinance. The citation shall be issued to the person charged with the violation, or in the case of a corporation or municipality, to the supervisor at the site of the violation or any officer of any agency expressed or implied to authorize such issuance.

(5) Inspection. All property affected by this article shall be subject to inspection by the department or their designees, in accordance with this article. No person shall refuse to permit the department, or

their designees, to inspect any premises or interfere with or resist the department, or their designees in the discharge of their duty to protect the public health and safety and the protection of the environment.

(6) Abatement. The parish government, upon recommendation of the department, may declare a violation of this article to be public nuisance and order abatement to be made initially at parish expense. The department shall present by certified mail an itemized statement for corrective action expenses to the owner of the real property where such abatement has been conducted. Such expenses for corrective action may also be recovered in civil action or the cost may be certified to the parish auditor as a specific assessment against the real property as provided by law.

(7) Justice of the peace. A justice of the peace shall have concurrent jurisdiction over the sewage, septage and sludge violations, which are property standards violations, occurring in the parish. In addition, a constable may issue summons and service subpoenas anywhere in the parish all in accordance with R.S. 13:2586. A prosecution of the sewage, septage and sludge violations and compensation in criminal cases of a justice of the peace and constable shall be in accordance with R.S. 13:2587.1 and R.S. 13:2589.

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 JUNE, 2020; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_\_.

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MICHAEL R. LORINO, JR., COUNCIL CHAIRMAN

ATTEST:

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THERESA L. FORD, COUNCIL CLERK

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MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: APRIL 29 , 2020

Published Adoption: \_\_\_\_\_, 2020

Delivered to Parish President: \_\_\_\_\_, 2020 at \_\_\_\_\_

Returned to Council Clerk: \_\_\_\_\_, 2020 at \_\_\_\_\_