

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5758

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: MR. DEAN

PROVIDED BY: COUNCIL OFFICE

INTRODUCED BY: MR. DEAN

SECONDED BY: MR. THOMPSON

ON THE 2 DAY OF FEBRUARY , 2017

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 BEDICO CREEK PRESERVE SUBDIVISION. (WARD 3, DISTRICT 1)

WHEREAS, Bedico Creek Preserve is a private community ~~that~~ and its owners association 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 subdivision. ~~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 13-019.21 Bedico Creek Preserve

SECTION 13-019.21.1 Definitions

(1) Bedico Creek Preserve 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 Bedico Creek Preserve have never been dedicated to the Parish, nor will they be dedicated to the Parish, and the Parish has never maintained said streets. The streets were constructed at the expense of the developers of Bedico Creek Preserve and privately owned by Bedico Creek Preserve ~~Subdivision~~ Owners Association.

(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 13-019.21.2 Speed Limits/Traffic Controls

It shall be unlawful for any person to operate or drive a motor vehicle upon the private streets within Bedico Creek Preserve 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 installation, including the cost for labor, and materials, for signage, and the placement of said signs to be provided by and paid for by Bedico Creek Preserve Owners 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 13-019.21.3 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 13-019.21.4 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 Bedico Creek Preserve 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 13-019.21.5 Maintenance and Indemnification

It is was the responsibility of the Bedico Creek Preserve Subdivision initially and is ultimately the Bedico Creek Preserve Owners Association 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. Bedico Creek Preserve Owners Association 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 2 DAY OF MARCH , 2017 ; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

STEVE STEFANCIK, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: JANUARY 26 , 2017

Published Adoption: _____, 2017

Delivered to Parish President: _____, 2017 at _____

Returned to Council Clerk: _____, 2017 at _____

**RESOLUTION OF THE BOARD OF DIRECTORS OF
BEDICO CREEK PRESERVE OWNERS ASSOCIATION, INC.**

BE IT KNOWN, that the Board of Directors of the Bedico Creek Preserve Owners Association, Inc. (the "Association"), does hereby adopt the following Resolution:

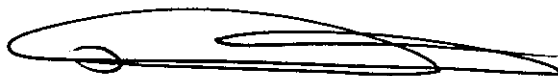
WHEREAS, pursuant to Article XIII of the Second Restatement and Declaration of Protective Covenants, Conditions, Restrictions and Easements for Bedico Creek Subdivision (the "Community") (the "Covenants"), St. Tammany Parish has a perpetual, non-exclusive right and easement upon, over and across all of the property subject to the Covenants for purposes of performing any and all duties and activities related to emergency, security and other public safety concerns in the Community as shall be required or appropriate from time to time by such governmental authority under applicable law.

WHEREAS, the Association agrees to maintain the roadways within the Community and to place and maintain all stop signs, posted speed limit signs and other traffic signs within the Community in accordance with all standards as may be mandated by the Louisiana Department of Transportation and Development. The Association further agrees to hold harmless and indemnify St. Tammany Parish and the St. Tammany Parish Sheriff's Department from any and all damages that may occur from the placement and maintenance of any such signs, and from authorizing the St. Tammany Parish Sheriff's Department to enforce the stop signs, posted speed limit signs and other traffic controls within the Community.

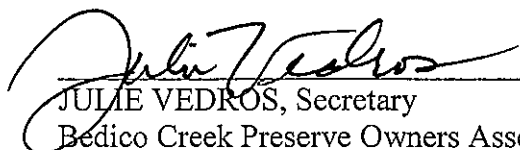
NOW THEREFORE, BE IT RESOLVED by the Board of Directors for the Bedico Creek Preserve Owners Association, Inc., that pursuant to Article XV of the Covenants, St. Tammany Parish be and is hereby granted jurisdiction over all of the property subject to the Covenants with respect to law enforcement.

NOW THEREFORE, BE IT FURTHER RESOLVED by the Board of Directors for the Bedico Creek Preserve Owners Association, Inc., that the St. Tammany Parish Sheriff's Department be and is hereby authorized to perform police details and issue traffic citations within the Community to control traffic violation in accordance with the law of St. Tammany Parish and the State of Louisiana.

DONE AND SIGNED this 13th day of December, 2016.



DAVID L. WALTEMATH, President
Bedico Creek Preserve Owners Association, Inc.



JULIE VEDROS, Secretary
Bedico Creek Preserve Owners Association, Inc.