

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 5937AA

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: MR. STEFANCIK

PROVIDED BY: COUNCIL ATTORNEYS

INTRODUCED BY: MR. BELLISARIO

SECONDED BY: MR. STEFANCIK

ON THE 1 DAY OF FEBRUARY , 2018

AN ORDINANCE TO AMEND THE PARISH CODE OF ORDINANCES, CHAPTER 1 GENERAL PROVISIONS, SEC. 1-9. GENERAL PENALTY FOR VIOLATION OF CODE; SEPARATE OFFENSES; CHAPTER 2 ADMINISTRATION, ARTICLE XII COMMUNICATION DISTRICT AND EMERGENCY PHONE SYSTEM, SEC. 2-493 MISUSE OF 911 ENHANCED EMERGENCY PHONE SYSTEM AND PENALTY; CHAPTER 24 MOTOR VEHICLES AND TRAFFIC, ARTICLE II OPERATION, SEC. 24-26 MOTOR VEHICLES PROHIBITED ON LEVEES; CHAPTER 28 OFFENSES AND MISCELLANEOUS PROVISIONS, ARTICLE VII MINORS, CURFEW AND CONTROL, SEC. 28-258 SAME - VIOLATIONS; PENALTIES; CHAPTER 30 PARKS, RECREATION AND SCENIC NEIGHBORHOODS, ARTICLE I IN GENERAL, SEC. 30-1 NORTH SHORE BEACH PARK; CHAPTER 32 PEDDLERS, ARTICLE III SOLICITORS AND DISTRIBUTION ON PUBLIC HIGHWAYS, SEC. 32-72 PENALTY.

WHEREAS, in order to provide for a more efficient process to pay fines and fees associated with various violations throughout the Parish Code it is necessary to amend the fee structure currently provided for; and

WHEREAS, a flat fee, rather than a range of fees, would allow those violators who wish to pay the levied fine without contest to do so online or in person, without having to appear in Misdemeanor Court.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that it hereby amends the Parish Code of Ordinances, Chapter 1 General Provisions, Sec. 1-9. General penalty for violation of Code; separate offenses as follows:

Sec. 1-9. - General penalty for violation of Code; separate offenses.

Whenever in this Code, or in any ordinance of the parish, any act or omission is prohibited or is made or declared to be unlawful or a misdemeanor, or whenever in said Code or ordinance the doing of any act or the failure to do any act is declared to be unlawful or a misdemeanor or is prohibited, and no specific penalty is provided therefor, and state law does not provide otherwise, or for a greater penalty, the violation of any such provision of this Code or any ordinance shall be a misdemeanor punishable by ~~a term of imprisonment of up to 30 days in the parish jail or a fine of not less than \$ 300.00 nor more than \$ 500.00 or both plus court costs in the amount specified by the 22nd Judicial District Court Costs Schedule according to the violation.~~ Unless specifically provided otherwise, or the context thereof so dictates, each day any violation of any provision of this Code or any ordinance shall continue shall constitute a separate offense.

THE PARISH OF ST. TAMMANY FURTHER ORDAINS: that it hereby amends the Parish Code of Ordinances, Chapter 2 Administration, Article XII Communication District and Emergency Phone System, Sec. 2-493 Misuse of 911 enhanced emergency phone system and penalty as follows:

Sec. 2-493. - Misuse of 911 enhanced emergency phone system and penalty.

(a) It shall be unlawful for any adult person, without proper cause, to dial into and use the parish enhanced emergency phone system (911) for any purpose other than requesting police, fire or emergency medical service. Proper cause for use of the parish enhanced emergency system (911) shall be constituted when there is a legitimate and justified purpose for the presence of police, fire or emergency medical

personnel at the location indicated by the 911 generated call. The automatic location identifier and the automatic number within the parish enhanced emergency phone system (911) shall constitute evidence of the location of a violation of this section.

(b) Any adult person violating the provisions of this section shall, upon conviction thereof by a court of law, be punished by a fine of \$ 250.00 not less than \$ 100.00, nor more than \$ 500.00, or by imprisonment of not more than 30 days in the parish jail or both plus court costs in the amount specified by the 22nd Judicial District Court Costs Schedule according to the violation.

(c) Any minor violating the provisions of this section shall be dealt with in accordance with juvenile court law and procedure as set out in the Louisiana Statutes Annotated Code of Juvenile Procedure.

(d) Any parent, guardian, or other adult person having the care and custody of a minor found guilty of violating this section shall be punished by a fine of \$ 250.00 not less than \$ 100.00, and not more than \$ 500.00 plus court costs in the amount specified by the 22nd Judicial District Court Costs Schedule according to the violation.

(e) Each transmission of/and dialing of the parish enhanced emergency phone system telephone number (911) shall constitute a separate offense under the penalties provided for in this section.

(f) Presumption of violation. In any prosecution charging a violation of any law or regulation governing the use without proper cause of the parish enhanced emergency phone system (911), proof that the home from in which the call was placed that was in violation of any such law or regulation, together with proof that the defendant named in the complaint was, at the time of such violation, the registered owner of such home, shall be considered only presumptive evidence that the registered owner of such home was the person who placed such call without proper cause at the time such violation occurred. For cellular phones and other smart devices, proof that the cellular phone or smart device from which the call was placed that was in violation of such law or regulation, together with proof that the defendant named in the complaint was, at the time of such violation, the registered owner of that cellular phone number or smart device, shall be considered only presumptive evidence that the registered owner of the cellular phone number was the person who placed such call without proper cause at the time such violation occurred.

THE PARISH OF ST. TAMMANY FURTHER ORDAINS: that it hereby amends the Parish Code of Ordinances, Chapter 24 Motor Vehicles and Traffic, Article II Operation, Sec. 24-26 Motor vehicles prohibited on levees as follows:

Sec. 24-26. - Motor vehicles prohibited on levees.

(a) Prohibited. The following actions are prohibited:

(1) No person shall operate a motor vehicle upon any public levee that is located in unincorporated parish.

(2) 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 posted on the immovable property, or part, portion or area thereof, at a place or places where such sign may be reasonably expected to be seen. Such sign shall be on a white background with large block letters, no less than four inches high, which read, "Motor Vehicles Prohibited on Levee."

(b) 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:

(1) For the first offense, the fine shall be \$ 200.00 plus court costs in the amount specified by the 22nd Judicial District Court Costs Schedule according to the violation. ~~or imprisonment for not more than 30 days, or both.~~

(2) For the second offense, the fine shall be \$ 350.00 plus court costs in the amount specified by the 22nd Judicial District Court Costs Schedule according to the violation. ~~or imprisonment for not more than 30 days, or both.~~

(3) For the third offense and all subsequent offenses, the fine shall be \$ 500.00 plus court costs in the amount specified by the 22nd Judicial District Court Costs Schedule according to the violation. ~~or imprisonment for not more than 30 days, or both.~~

(c) Exemption. The following persons may be exempt from the provisions of this section:

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

(2) Any firefighter, whether or not a member of a volunteer or other fire department and any employee or agent of the state department of agriculture and forestry engaged in locating and suppressing a fire.

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

(4) 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.

(5) Any federal, state, public utility employee or agent, or local government employee, including employees of the 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.

(6) 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.

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

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

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

(10) 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.

THE PARISH OF ST. TAMMANY FURTHER ORDAINS: that it hereby amends the Parish Code of Ordinances, Chapter 24 Motor Vehicles and Traffic, Article II Operation, Sec. 24-36. - Allowing contents of vehicle/mud from tires to fall onto roadway prohibited; closing of violator's business; other penalties as follows:

Sec. 24-36. - Allowing contents of vehicle/mud from tires to fall onto roadway prohibited; closing of violator's business; other penalties.

(a) No person, firm or corporation shall operate any truck or other vehicle on any parish road in such a manner or condition that the contents can blow or fall out of such vehicle or that mud from its tires can fall upon the roadway.

(b) If any person, firm or corporation owns and/or operates any business or enterprise within the parish from which vehicles are operating and entering onto parish roads, whereon mud or other debris is being deposited by any such vehicle, said business is subject to being closed at the direction of the parish legislative body by means of an injunction in any court of competent jurisdiction.

(c) In addition to any civil remedy available to the parish, any person, firm or corporation who shall be guilty of operating or allowing any person, firm or corporation to operate any vehicle in violation of this section shall be punished by a fine of ~~not more than \$ 500.00 plus court costs in the amount specified~~

~~by the 22nd Judicial District Court Costs Schedule according to the violation. or imprisonment for not more than 30 days, or by both such fine and imprisonment. For second and subsequent offenses, the punishment shall be by fine of not more than \$ 500.00 or imprisonment for not more than 30 days, or by both such fine and imprisonment.~~

THE PARISH OF ST. TAMMANY FURTHER ORDAINS: that it hereby amends the Parish Code of Ordinances, Chapter 24 Motor Vehicles and Traffic, Article II Operation, Sec. 24-37. Speed limits in general as follows:

Sec. 24-37. - Speed limits in general.

Except as otherwise provided herein, no person shall operate or drive a vehicle or automobile upon any highway, road, street and/or bridge situated within the unincorporated limits of this parish (federal and state highways excepted) at a speed greater than the following:

(1) Hard surface or concrete highways, roads, streets and/or bridges. The speed limit for hard surface or concrete highways, roads, streets and/or bridges is 25 miles per hour, unless otherwise posted.

(2) All other highways, roads, streets and/or bridges. The speed limit for all other highways, roads, streets and/or bridges is 25 miles per hour.

(3) Speed to be governed by existing conditions. That no person shall operate or drive a vehicle or automobile upon the highways, streets, roads and/or bridges within this parish at a speed greater than is reasonable and prudent under the circumstances, conditions and potential hazards then existing, having due regard for traffic thereon, surface conditions, the width thereof and the condition of the weather. Whoever violates this subsection shall be guilty of prima facie speeding.

(4) Department of engineering to determine speed limits. The parish department of engineering is herewith vested and delegated with the power, authority and discretion in application and furtherance of sound engineering and transportation principles and caution, to establish and designate a lower speed limit on any portion or all of any parish highways, streets, roads and/or bridges than is hereinabove shown; it shall also similarly have the power and authority to regulate the speed limits and to establish and designate same at a greater speed limit than that above shown, except that in no event shall said greater speed limit exceed 55 miles per hour on hard surface or concrete parish highways, roads, streets and/or bridges, nor 45 miles per hour on parish highways, streets, roads and/or bridges otherwise surfaced. It shall be the responsibility of the parish department of public works to post the appropriate speed limit signs established by the department of engineering.

(5) Speed to be governed by signs. No person shall operate or drive any vehicle or automobile upon any highway, street, road and/or bridge in this parish (state and federal highways excepted) at a speed greater than is posted thereon.

(6) Authority to establish different speed limits for different vehicles. The parish department of engineering shall have the authority to legally establish and post speed limits differing with the type of vehicle traversing the surface.

(7) Authority to establish and post traffic control devices. The parish department of engineering is herewith vested with the authority to establish and post traffic-controls; e.g., stop, yield or slow signs, rumble bumps or any such other controls and postings as it deems necessary. It shall be the responsibility of the parish department of public works to post the appropriate traffic control signs/measures established by the department of engineering.

(8) Violation; penalties. Whoever shall violate any provision of this section shall be fined not more than \$ 100.00 plus court costs in the amount specified by the 22nd Judicial District Court Costs Schedule according to the violation. or serve not more than 30 days in the parish jail, or both. For second and subsequent convictions, the violator shall be fined not more than \$ 500.00 plus court costs in the amount specified by the 22nd Judicial District Court Costs Schedule according to the violation. or serve not more than 90 days in the parish jail, or both.

THE PARISH OF ST. TAMMANY FURTHER ORDAINS: that it hereby amends the Parish Code of Ordinances, Chapter 28 Offenses and Miscellaneous Provisions, Article VII Minors, Curfew and Control, Sec. 28-258 Same – Violations; penalties as follows:

Sec. 28-259. - Same - Violations; penalties.

(a) Any minor violating the provisions of section 28-257 or 28-258 shall be found to be "in need of supervision" as defined in the Louisiana Code of Juvenile Procedure, article 13(13).

(b) Any custodian violating the provisions of section 28-257 or 28-258 shall be fined ~~not less than \$ 50.00 nor more than \$ 100.00~~ \$ 75.00 plus court costs in the amount specified by the 22nd Judicial District Court Costs Schedule according to the violation for each offense.

THE PARISH OF ST. TAMMANY FURTHER ORDAINS: that it hereby amends the Parish Code of Ordinances, Chapter 30 Parks, Recreation and Scenic Neighborhoods, Article I In General, Sec. 30-1 North Shore Beach Park as follows:

Sec. 30-1. - North Shore Beach Park.

(a) Rules and regulations. For the health, benefit and enjoyment of beach patrons and the neighborhood surrounding North Shore Beach on Debbie Drive in Slidell, Louisiana, the following rules and regulations shall apply to both the beach and the adjacent park property:

(1) The hours of operation are daylight to dark.

(2) No glass containers allowed.

(3) No littering or dumping allowed.

(4) No smoking allowed.

(5) No open fires, firearms or fireworks allowed. This shall not apply to the display of fireworks with express parish authority, nor to duly authorized law enforcement agents on bona fide assignments.

(6) Dogs, horses or other pets are not allowed, except guide dogs accompanying visually impaired persons or hearing ear dogs accompanying hearing impaired persons.

(7) No audio or playing of electronic, amplified music before 9:00 a.m.

(8) Nuisance noises and sounds that are unreasonably loud and intrusive, so as to be disruptive within the park or surrounding community are prohibited (see also chapter 26).

(9) No overnight camping.

(10) Motorized or electric vehicles are not allowed.

(11) Swimming and other similar water activities will be at patrons' own risk. The parish provides no lifeguards.

(12) Motorized boats and personal watercraft are not allowed on the shoreline of Lake Pontchartrain adjacent to North Shore Beach Park.

(13) Alcoholic beverages will not be allowed except for special events. A special event organizer/sponsor must obtain a temporary alcohol permit and conform to section 6-30(d) and state law in accordance with L.A.C. title 55, part 7, section 323 and any other applicable state law.

(14) Parking of motorized or electric vehicles of any kind for patrons of North Shore Beach Park shall at all times be limited to any of the 26 parking spots fronting on Debbie Drive, the location of which have previously been designated by the parish department of public works and/or other parish departments.

(15) The no parking on entire right-of-way shall be on Debbie Drive starting at a point 100 feet east of Clara Drive going east for 1,000 feet less and except a 200-foot area designated and with signage depicting this area by public works. The parking area will be for single perpendicular parking only. All parish and fire station employees will be exempt.

(16) Use of any dumpster or garbage receptacle placed on the premises of North Shore Beach Park at the discretion of the parish government shall at all times be limited to patrons of North Shore Beach Park, and during regular hours of operation as noted above in subsection (a)(1) of this section. A dumpster or garbage receptacle shall only be used to contain trash, debris, refuse and other non-toxic material generated at North Shore Beach Park. Furthermore, it shall be unlawful to dump, place or deposit the following items in any such dumpster or garbage receptacle:

- a. Furniture, including, but not limited to, sofas, couches, tables, beds, mattresses, chairs, recliners and/or similar items;
- b. Electronics and appliances, including, but not limited to, televisions, computers, lamps, air conditioners, stoves, water heaters, dishwashers, freezers, washing machines, dryers and/or similar items;
- c. Household attachments and/or home construction, repair or building supplies, including, but not limited to, doors, windows, tiles, wood, carpets, cabinets, bricks, concrete and/or similar items;
- d. Hazardous waste or toxic items;
- e. Waste products from commercial operations;
- f. Any items which might affect the health or enjoyment of any patron of North Shore Beach Park;
- g. Deceased animals, reptiles or livestock, or any remains, entrails or waste thereof.

(17) It shall be unlawful for any person to intentionally break, disturb or remove any dumpster or garbage receptacle that has been placed on the premises of North Shore Beach Park by the parish government or parish-authorized collection authorities, or the contents therein.

(b) Penalty. Except where state law or parish ordinance supersedes and provides for more stringent penalties, any person violating the provisions of this section shall be subject to a fine of ~~not more than \$ 500.00 or imprisonment in the parish jail for not more than 30 days, or both, in the discretion of the court~~ \$ 250.00 plus court costs in the amount specified by the 22nd Judicial District Court Costs Schedule according to the violation.

(c) Enforcement. Enforcement of this section shall be by the parish sheriff's office or any other applicable agency with jurisdiction to enforce the provisions stated herein.

THE PARISH OF ST. TAMMANY FURTHER ORDAINS: that it hereby amends the Parish Code of Ordinances, Chapter 32 Peddlers, Article III Solicitors and Distribution on Public Highways, Sec. 32-72 Penalty as follows:

Sec. 32-72. - Penalty.

Whoever commits the crime of solicitation or distribution on a public highway shall be fined ~~not more than \$ 200.00, or imprisoned for not more than six months, or both.~~ \$ 100.00 plus court costs in the amount specified by the 22nd Judicial District Court Costs Schedule according to the violation.

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 1 DAY OF MARCH, 2018; AND BECOMES ORDINANCE COUNCIL SERIES NO _____.

S. MICHELE BLANCHARD, COUNCIL CHAIRMAN

ATTEST:

THERESA L. FORD, COUNCIL CLERK

PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: JANUARY 24, 2018

Published Adoption: _____, 2018

Delivered to Parish President: _____, 2018 at _____

Returned to Council Clerk: _____, 2018 at _____