

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 6268

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

COUNCIL SPONSOR: LORINO/BRISTER

PROVIDED BY: CIVIL DIVISION ADA

INTRODUCED BY: \_\_\_\_\_

SECONDED BY: \_\_\_\_\_

ON THE 7 DAY OF NOVEMBER , 2019

ORDINANCE TO AMEND THE CODE OF ORDINANCES, ST. TAMMANY PARISH, CHAPTER 26 TO PROVIDE FOR ENFORCEMENT BY THE JUSTICE OF THE PEACE COURTS AND CONSTABLES.

WHEREAS, the Louisiana Legislature authorized the enforcement of 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 proceed with said enforcement, it is necessary to amend the Parish Code of Ordinances, Chapter 26 to provide for enforcement by the Justice of the Peace Courts and Constables.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that Chapter 26 of the St. Tammany Parish Code of Ordinances is amended as follows:

**Sec. 26-4. - Notice to abate.**

Whenever a nuisance is found to exist within the parish, the sheriff, constables, enforcement officers of the parish department of planning and permits, the parish health officer and the chief of the applicable fire protection district, or any of their duly designated representatives, shall have the authority to give written notice to abate the nuisance to the owner or occupant of the property upon which such nuisance exists or upon the person causing or maintaining the nuisance. Where the nature and circumstances of a particular nuisance violation warrants immediate enforcement, the sheriff's office, or constable, may arrest or issue a misdemeanor summons in lieu of the notice to abate. In addition, an enforcing official shall have the authority to summarily abate any nuisance which, by its nature, creates an immediate hazard to life and/or property.

**Sec. 26-10. - Unhealthful materials, weeds, grass, debris.**

(g) The director of permits and inspections, the director of parish development, constables, and all persons appointed as acting inspectors of the parish are empowered to serve a citation upon persons charged with violations of any provision contained in this section or to post a notice of violation at the place of violation.

**Sec. 26-12. - Enforcement and Compensation.**

(1) Constables. A constable of a Justice of the Peace Court in St. Tammany Parish may issue a summons or serve a subpoena anywhere within St. Tammany Parish for a property standards or nuisance violation adopted pursuant to local ordinance, all in accordance with R.S. 13:2586. Prosecution of nuisance violations and compensation in criminal cases of a justice of the peace and constable shall be in accordance with R.S. 13:2587.3 and 13:2589.

(4) Compensation. All fines collected by the Justice of the Peace Courts for property standards and nuisance violations shall be paid to the Parish. The Parish shall reimburse the Justice of the Peace Court and Ward Constables for handling property standards or nuisance violations, pursuant to state law. This reimbursement shall consist of fifty percent (50%) of the fines collected by the Parish from the Justice of the Peace Courts for these violations.

**Sec. 26-42. - Definitions.**

*Enforcing Agency* means the chief of police, sheriff, constables, code enforcement office, or director of public works, as well as their duly authorized agents.

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 5 DAY OF DECEMBER , 2019 ; AND BECOMES ORDINANCE COUNCIL SERIES NO \_\_\_\_\_.

\_\_\_\_\_  
MICHAEL R. LORINO, JR. , COUNCIL CHAIRMAN

ATTEST:

\_\_\_\_\_  
THERESA L. FORD, COUNCIL CLERK

\_\_\_\_\_  
PATRICIA P. BRISTER, PARISH PRESIDENT

Published Introduction: OCTOBER 30 , 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 26 TO PROVIDE FOR THE FOLLOWING REVISIONS

St. Tammany Parish seeks to amend the Nuisances chapter of the Code of Ordinances to provide for enforcement of Code Enforcement violations by constables and justices of the peace. This is being done in accordance with Act No. 28 of the 2019 Regular Session of the Louisiana Legislature.