

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO: 6238

ORDINANCE COUNCIL SERIES NO: _____

COUNCIL SPONSOR: LORINO/BRISTER

PROVIDED BY: COUNCIL OFFICE

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 5 DAY OF SEPTEMBER, 2019

ORDINANCE TO AMEND THE PARISH CODE OF ORDINANCES
CHAPTER 26 NUISANCES ARTICLE 1 GENERAL TO CREATE
SECTION 26-12 - ENFORCEMENT AND COMPENSATION

WHEREAS, the Louisiana Legislature authorized the enforcement of St. Tammany's property standards and 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 Nuisances Article 1 General to Create Section 26-12 - Enforcement and Compensation

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the St. Tammany Parish Code of Ordinances is hereby amended by creating section 26-12 to provide as follows:

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.

(2) Justice of the Peace. A Justice of the Peace Court in St. Tammany Parish shall have concurrent jurisdiction over a property standards or nuisance violation adopted pursuant to local ordinance except in Ward 9 which shall be prosecuted in the City Court of Slidell. In Ward 8 a property standards or nuisance violation adopted pursuant to local ordinance shall be prosecuted in Slidell City Court or Ward 8 Justice of the Peace Court. In Ward 9, a property standards or nuisance violation adopted pursuant to local ordinance shall be prosecuted in Slidell City Court.

(3) Prosecution. The Constable of a Justice of the Peace Court may act as prosecutor if authorized by the Court, or the Deputy Constable if authorized may act as prosecutor if the constable was the arresting officer, issued the citations of summons, or is a witness. If there is no deputy constable then the justice of the peace may appoint a special deputy constable to prosecute the case or may authorize a constable from another ward in the parish to prosecute the matter.

(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.

(5) Penalty. Only applicable fines shall be assessed by a Justice of the Peace Court relative to the enforcement of nuisance or property standards violations except in the case of a contempt of court matter.

*State law reference- R.S. 13:2586(C)(6), 2587.3, and 2589 (D)

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 3 DAY OF OCTOBER , 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: AUGUST 28 , 2019

Published Adoption: _____, 2019

Delivered to Parish President: _____, 2019 at _____

Returned to Council Clerk: _____, 2019 at _____