

NOTICE OF INTRODUCTION OF ORDINANCE

NOTICE IS HEREBY GIVEN that the following entitled ordinance was introduced in writing in the form required for adoption at a meeting of the Parish Council of the Parish of Livingston, State of Louisiana, on May 23, 2019, and laid over for publication of notice:

L.P. ORDINANCE 19-14

AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH “DISASTER EMERGENCIES” BY ADDING A SECTION ENTITLED “DECLARATION OF PARISH WATERWAY CLOSURES” PROVIDING FOR IMPLEMENTATION, ENFORCEMENT, PENALTY FOR NONCOMPLIANCE; EXCEPTIONS AND WAIVERS.

NOTICE IS HEREBY FURTHER GIVEN that the Parish Council of said Parish will meet on Thursday, June 13, 2019, at six-thirty (6:30) p.m., at the Governmental Building, in the Livingston Parish Council Chambers, 20355 Government Boulevard, Livingston, Louisiana, 70754 at which time there will be a public hearing on the adoption of the aforesaid ordinance.

/s/ Sandy C. Teal

Sandy C. Teal, Council Clerk

/s/ Shane Mack

Shane Mack, Council Chairman

(As per rules of the Council, copies of the proposed ordinance shall be made available for public inspection in the Office of the Livingston Parish Council.)

The following ordinance, which was previously introduced in written form required for adoption at a regular meeting of the Parish Council on May 23, 2019, a summary thereof having been published in the official journal together with a notice of public hearing which was held in accordance with said public notice, was brought up for final passage June 13, 2019, on Motion of Jeff Averett and seconded by Tab Lobell:

L.P. ORDINANCE 19-14

AN ORDINANCE AMENDING CHAPTER 5 OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH “DISASTER EMERGENCIES” BY ADDING A SECTION ENTITLED “DECLARATION OF PARISH WATERWAY CLOSURES” PROVIDING FOR IMPLEMENTATION, ENFORCEMENT, PENALTY FOR NONCOMPLIANCE; EXCEPTIONS AND WAIVERS.

WHEREAS, the Livingston Parish Council adopted an ordinance on August 29, 1953, creating Chapter 5 of the Code of Ordinances of Livingston Parish, entitled “Disaster Emergencies”; and

WHEREAS, the Livingston Parish Council now finds it necessary to amend Chapter 5 by adding provisions regarding implementation, enforcement, noncompliance penalties, exceptions and waivers; and

THEREFORE, BE IT ORDAINED by the governing authority of the Parish of Livingston, State of Louisiana: The Code of Ordinances of Livingston Parish, Chapter 5, is hereby amended by adding section 5-7. “Declaration of Parish Waterway Closures” to read as follows:

Section 5-7. Declaration of Parish Waterway Closures

- (a) The Parish President and/or the Director of the Livingston Office of Homeland Security and Emergency Preparedness may declare a local emergency and implement a closure of any and all waterways, to include rivers, lakes, bayous, canals, creeks, etc., to all traffic and/or activities, recreational or business related, due to heavy rains, current or future cresting, flooding, debris, or any other natural or man-made hazards.
- (b) The enforcement of this ordinance may be performed by any local, state or federal law enforcement agency personnel with jurisdictional authority.
- (c) Penalty for noncompliance. Any person, company, corporation or other entity found guilty of violating any provision of this section during a declared waterway closure is subject to:
 - (1) A fine of five hundred dollars (\$500.00) for the first offense and/or incarceration of up to five (5) days
 - (2) A fine of one thousand dollars (\$1000.00) for the second offense and/or incarceration of up to seven (7) days
 - (3) May be liable for any damages caused by said actions or inactions

A lack of actual knowledge of a waterway(s) closure or this ordinance shall not be a defense to any charge or citation brought hereunder.

- (d) Exceptions. The restrictions set forth in this section shall not apply to Livingston Parish Waterway Commission personnel, Parish employees and any first responder personnel acting in an official capacity. Waivers may be obtained for those who earn a living by fishing, trapping, etc. on said closed waterway(s) and those who own property on said closed waterway(s) with the travel of the waterway as the only means to reach said property. In such events, the watercraft shall be operated at No Wake speeds throughout the travel.
- (e) Waivers may be obtained by contacting the Livingston Office of Homeland Security and Emergency Preparedness and shall be given at the discretion of the Livingston Parish Office of Homeland Security and Emergency Preparedness.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed. 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.

The effective date of this ordinance shall be as prescribed by law.

This ordinance having been submitted to a vote; the vote thereon was as follows:

YEAS: MR. LOBELL, MR. AVERETT, MR. HARRIS, MR. GIRLINGHOUSE, MR. ARD, MR. KEEN, MR. WASCOM, MR. TALBERT, MR. MACK

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

And the ordinance was declared adopted on the 13th day of June 2019.

Shane Mack, Council Chairman

ATTEST:

Sandy C. Teal, Council Clerk

INTRODUCED _____ ADOPTED _____

DELIVERED TO PRESIDENT _____, _____ o'clock __. M.

APPROVED BY PRESIDENT _____
Layton Ricks Date

VETOED BY PRESIDENT _____
Layton Ricks Date

RECEIVED FROM PRESIDENT _____, _____ o'clock __. M.