

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 October 8, 2020, and laid over for publication of notice:

L.P. ORDINANCE 20-35

AN ORDINANCE TO AMEND CHAPTER 50, "OFFENSES-MISCELLANEOUS", SECTION 50-13. "LITTERING", OF THE CODE OF ORDINANCES IN AND FOR THE PARISH OF LIVINGSTON.

NOTICE IS HEREBY FURTHER GIVEN that the Parish Council opened the public hearing on the proposed ordinance on Thursday, January 14, 2021, at six (6:00) p.m. at the Parish Council Chambers, 20355 Government Boulevard, Livingston, Louisiana, at which time the public hearing on the adoption of the aforesaid ordinance will be reconvened.

1/2) Sandy C. Teal

Sandy C. Teal, Council Clerk

1/2) 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.)

FAILED

The following ordinance, which was previously introduced in written form required for adoption at a regular meeting of the Parish Council on December 3, 2020, 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 on January 14, 2021, on Motion of _____ and seconded by _____:

L.P. ORDINANCE 20-35

AN ORDINANCE TO AMEND CHAPTER 50, "OFFENSES-MISCELLANEOUS", SECTION 50-13. "LITTERING", OF THE CODE OF ORDINANCES IN AND FOR THE PARISH OF LIVINGSTON.

WHEREAS, a Livingston Parish Ordinance of August 13, 1991 added a provision to Chapter 11, "Offenses-Miscellaneous" allowing section 11-7 violations to be tried in a Justice of the Peace Court and;

WHEREAS, a Livingston Parish resolution of April 28, 1992 further amended the litter ordinance in regard to penalties and;

WHEREAS, the Code of Ordinances has since been codified and adopted in L.P.O. 19-16 and Chapter 11 is now identified as Chapter 50, and;

WHEREAS, the Livingston Parish Council desires to amend Section 50-13 "Littering" parts (d) (e) and (f) to reflect the change of State Statues;

THEREFORE, BE IT ORDAINED by the governing authority of the Parish of Livingston, State of Louisiana: The Code of Ordinances of Livingston Parish, Section 50-13., "Littering" are hereby amended to read as follows:

Sec. 50-13. - Littering.

- (a) It shall be unlawful for any person to dump or throw any paper, trash, tin cans, bottles, garbage, leaves or any other debris of any kind whatsoever upon property belonging to any other person or upon or in any public roads, rights-of-way, ditches, drainage channels, branches, rivers or waterways, of any kind whatsoever, including, but not limited to, the levees and drainageways of the Parish drainage system or of any drainage district.
- (b) It shall be unlawful for any person to dump, place or deposit, on the right-of-way of any public highway or public road, any trash, garbage, refuse of any kind, or other objects which might affect the health or enjoyment of the public.
- (c) Any item, including, but not limited to, mail addressed to a specific person or material containing a name and address which is found in the trash, garbage, refuse or debris unlawfully thrown or dumped or deposited as shown in subsections (a) and (b) of this Section shall be a prima facie presumption under this Section that the violator hereof is the person identified thereby and traceable thereto and same is admissible in evidence for that purpose; provided, however, that should such person produce proper evidence or testimony that he has a contract with or can produce receipt from a commercial or other hauler indicating that payment was made thereto to haul the garbage, trash, refuse or litter, then the prima facie presumption herein established shall shift to said commercial or other hauler.
- (d) Whoever violates the provisions of this Section shall be fined, upon first conviction, not less than two hundred dollars (\$200.00), nor more than one thousand dollars (\$1,000.00). Upon second conviction, an offender shall be fined not less than ~~six~~ **five** hundred dollars (~~\$600.00~~) (~~\$500.00~~) nor more than ~~two thousand five hundred dollars~~ (~~\$2,500.00~~) **one thousand dollars (\$1,000)** and have his motor vehicle driver's license suspended for sixty (60) days. Upon third or subsequent conviction, an offender shall be fined not less than one thousand dollars (\$1,000.00) nor more than ~~six thousand dollars~~ (~~\$6,000.00~~) **five thousand dollars (\$5,000)**, have his motor vehicle driver's license suspended for one (1) year, or be imprisoned for not more than six (6) months, or all or any combination of the aforementioned penalties.
- ~~(e) Any violation of this Section may be tried in the 21st Judicial District Court or any appropriate justice of the peace court in and for the Parish in accordance with the Acts 250 and 296 of the 1989 Legislature.~~

A Justice of the Peace shall have concurrent jurisdiction over litter violations occurring in the parish. A constable may issue a summons and serve subpoenas anywhere in the parish. Any violation of this Section may be tried in the 21st Judicial District Court or appropriate Justice of the Peace Court in and for the parish all in accordance with R.S. 13:2587.1 and R.S. 13:2586.

- (f) All fines collected by the justice of the peace courts for litter violations ~~pursuant to R.S. 25:1101 et seq.~~ shall be paid to the Parish pursuant to ~~R.S. 25:1112~~ **RS 30:2532**. The Parish shall reimburse the justice of the peace court, which handles the litter violation, for the time spent and expenses incurred pursuant to R.S. 13:2589(B). This reimbursement shall consist of fifty (50%) percent of the fines collected by the Parish from the justice of the peace courts.

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.

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

YEAS: MR. TALBERT, MR. DELATTE, MR. KEEN

NAYS: MR. MACK, MR. WASCOM, MR. HARRIS, MR. MCMORRIS,
MR. GIRLINGHOUSE, MR. ARD

ABSENT: NONE

ABSTAIN: NONE

And the ordinance **FAILED** was declared **NOT** adopted on the 14th day of January 2021.

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.