

## 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 26, 2016, and laid over for publication of notice:

### L.P. ORDINANCE 16-21

AN ORDINANCE TO AMEND ARTICLE II OF CHAPTER 5.5 OF THE CODE OF ORDINANCES IN AND FOR THE PARISH OF LIVINGSTON, "NOISE," TO SPECIFICALLY REGULATE MOTOR VEHICLE NOISE AND ESTABLISHING AN AREA OF "PROHIBITION OF UNMUFFLED COMPRESSION BRAKES, ENGINE BRAKES OR JAKE BRAKING" IN ALL LOUISIANA STATE HIGHWAYS LOCATED IN THE UNINCORPORATED AREAS OF LIVINGSTON PARISH AND AUTHORIZING THE PARISH PRESIDENT TO APPLY TO THE LOUISIANA STATE DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT TO REQUEST PERMITTING FOR THE INSTALLATION OF REGULATORY SIGNAGE ON SAID STATE LOUISIANA HIGHWAYS.

NOTICE IS HEREBY FURTHER GIVEN that the Parish Council of said Parish will meet on Thursday, June 23, 2016, at six (6:00) o'clock p.m., at the Governmental Building, Livingston Parish Council Chambers, 20355 Government Boulevard, Livingston, Louisiana, at which time there will be a public hearing on the adoption of the aforesaid ordinance.

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Sandy C. Teal, Council Clerk

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John Wascom, 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 26, 2016, 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 23, 2016, as amended, on Motion of Tracy Gilrlinghouse and seconded by Shane Mack:

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WHEREAS, the Livingston Parish Police Jury, by ordinance dated November 24, 1992, prohibited specific sounds that annoy or disturb humans or cause or tend to cause adverse psychological or physiological effects on humans; and

WHEREAS, the Livingston Parish Council adopted L.P. 07-01 on February 8, 2007 desired to expand said prohibitions to include specific sounds emitted by motor vehicles, and

WHEREAS, the Livingston Parish Council now desires to establish a prohibition of "Unmuffled Compression Brakes", "Engine Brakes" and "Jake Braking" located in the unincorporated areas of Livingston Parish and authorize the Parish President to request necessary permitting for the installation of regulatory signage by the Louisiana Department of Transportation and Development;

THEREFORE, BE IT ORDAINED by the Livingston Parish Council of Livingston Parish, Louisiana:

**SECTION 5.5-14 - Specific prohibitions** - of the Code of Ordinances of Livingston Parish, Louisiana, be amended to include the following paragraphs, to be designated and to read as follows:

- (G) It shall be unlawful and prohibited for any person to use the manner of unmuffled compression braking that may be also referred to as: "Unmuffled Compression Braking", "Engine Braking" and "Jake Braking" on all Louisiana State Highways located in all unincorporated areas of the Parish of Livingston.
  - (a) The Definition of "Unmuffled Compression Brake" shall mean any motor vehicle brake that is operated by the compression of the engine of the motor vehicle. An unmuffled compression brake is also referred to as a "Jake brake" and as an "engine brake".
  - (b) It shall be unlawful for any person to use an unmuffled compression brake in any area designated by ordinance of the Livingston Parish Council where use of an unmuffled compression brake is prohibited and further identified by regulatory signage with wording similar to the following, "UNMUFFLED COMPRESSION BRAKE PROHIBITED", "NO UNMUFFLED COMPRESSION BRAKE", "NO ENGINE BRAKE" or "NO JAKE BRAKE". Such regulatory signage may be requested by the Livingston Parish Council upon which will authorize the Livingston Parish President to apply for the "Regulatory Sign Permit" from the Louisiana Department of Transportation and Development for placement on all unincorporated Louisiana State Highways located in all unincorporated areas of the Parish of Livingston
  - (c) Areas where unmuffled compression brakes are prohibited will be established or removed by ordinance of the Livingston Parish Council.
  - (d) All emergency service vehicles shall be exempt from this ordinance.

- (e) Violations of this ordinance shall be a misdemeanor and will result in a fine of one hundred dollars (\$100.00) for the first offense, two hundred dollars (\$250.00) for the second offense, and five hundred dollars (\$500.00) for the third offense which will also include repeat offenders of three (3) or more times.

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

And the ordinance was declared adopted on the 23rd day of June 2016.

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John Wascom, Council Chairman

ATTEST:

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Sandy C. Teal, Council Clerk

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INTRODUCED \_\_\_\_\_ ADOPTED \_\_\_\_\_

DELIVERED TO PRESIDENT \_\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_\_ .M.

APPROVED BY PRESIDENT \_\_\_\_\_  
Layton Ricks, Parish President Date

VETOED BY PRESIDENT \_\_\_\_\_  
Layton Ricks, Parish President Date

RECEIVED FROM PRESIDENT \_\_\_\_\_, \_\_\_\_\_ o'clock \_\_\_\_\_ .M.