

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 3738

ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: CHAIRMAN/DAVIS

PROVIDED BY: ENVIRONMENTAL SERVICES

INTRODUCED BY: _____

SECONDED BY: _____

ON THE ___ DAY OF _____, 2008

ORDINANCE TO AMEND CODE OF ORDINANCES, CHAPTER 15, TO REESTABLISH CRIMINAL PENALTIES FOR INTENTIONAL LITTERING, COMMERCIAL LITTERING AND LITTERING PER SECTIONS HEREIN.

SEC. 15-001.03(C)(2)(a)(b)(c) Intentional littering prohibited; criminal penalties

C. When litter disposed in violation of this Section is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings that display the name of a person or any other manner indicate that the article belongs or belonged to such person, there shall be an inference that such person has violated this Section.

1. The person shall be cited for the offense by means of a citation, summons, or other means provided by law.
2. a. Whoever violates the provisions of this Section shall be fined not less than ~~fifty (\$50) dollars~~ **three hundred (\$300)** nor more than five hundred (\$500) dollars and sentenced to serve ~~four (4)~~ **sixteen (16)** hours of community service in a litter abatement work program as approved by the Court.
- b. Upon second conviction, an offender shall be fined not less than ~~three hundred (300)~~ **five hundred (\$500)** dollars nor more than one thousand five hundred (\$1,500) dollars and sentenced to serve ~~eight (8)~~ **twenty-four (24)** hours of community service in a litter abatement work program as approved by the Court.
- c. Upon third or subsequent conviction, an offender shall be fined not less than ~~five hundred (500)~~ **two thousand (2,000)** dollars nor more than three thousand (\$3,000) dollars, have his motor vehicle driver's license suspended for one year, be imprisoned for not more than thirty days, or sentenced to serve not less than twenty-four (24) hours and no more than seventy-five (75) hours of community service in a litter abatement work program as approved by the Court, or all or any combination of the aforementioned penalties.

SEC. 15-001.05(G)(1)(H)(1)(2)(3) Commercial littering prohibited; civil penalties; special court costs

G. Any person found liable under the provisions of this Section shall:

1. Pay a civil penalty of ~~one hundred (\$100)~~ **one thousand (\$1,000)** dollars.

H. Any person found liable under the provisions of this Section shall pay special court costs of ~~fifty (\$50)~~ **five hundred (\$500)** dollars in lieu of other costs of court that shall be disbursed as follows:

1. ~~Twenty Two~~ **Two hundred** dollars (~~\$20~~) **(\$200)** shall be paid to the judicial expense fund for that judicial district, or to the justice of the peace or the city court, as the case may be.
2. ~~Twenty Two~~ **Two hundred** dollars (~~\$20~~) **(\$200)** shall be paid to the office of the district attorney, or to the constable or to the municipal prosecuting attorney, as the case may be.
3. ~~Ten One~~ **One hundred** dollars (~~\$10~~) **(\$100)** shall be paid to the clerk of the district court, or to the justice of the peace or the city court, as the case may be.

SEC. 15-001.06(G)(1)(2)(3)(H)(1)(2)(3) Littering prohibited; civil penalties; special court costs

G. Persons found liable under the provisions of this Section shall be assessed the following penalties:

1. For a first violation, such person shall be either fined ~~fifty (\$50)~~ **three hundred (\$300) dollars** or be given the option to perform ~~eight (8)~~ **sixteen (16)** hours of community service in a litter abatement work program in lieu of the assessed fine.

2. For a second violation and each subsequent violation, such person shall be either fined ~~one hundred (\$100)~~ **five hundred (\$500)** dollars or be given the option to perform ~~eight (8)~~ **twenty-four (24)** hours of community service in a litter abatement work program in lieu of the assessed fine.

H. Persons found liable under the provisions of this Section shall pay special court costs of ~~fifty (\$50)~~ **one hundred (\$100)** dollars in lieu of other costs of court that shall be disbursed as follows:

1. ~~Twenty dollars (\$20)~~ **Forty dollars (\$40)** shall be paid to the judicial expense fund for that judicial district, or to the justice of the peace or the city court, as the case may be.
2. ~~Twenty dollars (\$20)~~ **Forty dollars (\$40)** shall be paid to the office of the district attorney, or to the constable or to the municipal prosecuting attorney, as the case may be.
3. ~~Ten dollars (\$10)~~ **Twenty dollars (\$20)** shall be paid to the clerk of the district court, or to the justice of the peace or the city court, as the case may be.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provisions 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 upon final 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 ____ OF _____, 2008; AND BECOMES ORDINANCE COUNCIL SERIES NO. _____.

ATTEST:

, COUNCIL CHAIRMAN

DIANE HUESCHEN, COUNCIL CLERK

KEVIN C. DAVIS, PARISH PRESIDENT

Published Introduction: January 10, 2008
Published Adoption: _____, 2008
Delivered to the Parish President on _____, 2008 @ _____
Returned to the Council Clerk on _____, 2008 @ _____

INTEROFFICE MEMORANDUM

3738

June 8, 2007

TO: KEVIN DAVIS
PARISH PRESIDENT

BILL OILER
CHIEF ADMINISTRATIVE OFFICER

FROM: GREG GORDEN
DEPARTMENT OF ENVIRONMENTAL SERVICES

RE: PROPOSED CHANGES TO EXISTING LITTER FINES

Recently I have been in discussions with a number of the Constables and Justices of the Peace concerning the existing litter fine structure that was codified in Ordinance No. 2188.

The discussions have centered on the following items:

- The need to increase the simple littering fine from the current amount of \$50.00 per offense;
- The need to increase the commercial littering fine from the current amount of \$100.00 per offense;
- The need to increase any and all fines, including the above, in order to create a greater deterrent against littering, and;
- The need to include community service hours to each litter offense.

In this regard I would like to propose some changes to the current fine structure within Ordinance No. 2188. Below please find a detail of the current fine and hours of community service, if applicable, and the changes I propose. Also, the numbers 1, 2, and 3 for each form of littering represent(s) the number of convictions.

Please review and let me know what you think of the proposed changes and if you feel the time is right to move ahead with drafting an amendment to Ordinance No. 2188.

Current:

Intentional Littering:

1. \$50-500; 4 hours of community service
2. \$300-1,500; 8 hours of community service
3. \$500-3,000; 24-75 hours of community service

Gross Littering:

1. \$500-1,000; 8 hours of community service
2. \$1,000-2,500; 24 hours of community service
3. \$1,500-5,000; 48-100 hours of community service

Commercial Littering:

- 1 \$100 civil penalty
-

Littering:

1. \$50; 8 hours of community service
2. \$100; 8 hours of community service

Proposed Changes:

Intentional Littering:

1. \$300-500; 16 hours of community services
2. \$500-1,500; 24 hours of community service
3. \$2,000-3,000; keep the number of community service hours same as above

Gross Littering:

I feel the current fine and community service amounts are good and can remain the same.

Commercial Littering:

1. \$1,000 civil penalty; this would necessitate a change in the allocation of special court costs which would be amended in the ordinance

Littering:

1. \$300; 16 hours of community service
2. \$500; 24 hours of community service

By increasing the fine amount as well as the required minimum hours of community service the administration would be taking a much tougher, sterner stance on litter violations/crimes. Though the current ordinance did a great job of defining the administration's stance against litter and establishing a program of enforcement, those involved in the implementation and prosecution of the program are stating that the existing fine/community service structure is not a sufficient deterrent.

Please call me at x2535 should you have any questions.