



St. Bernard Parish Council

8201 West Judge Perez Drive Chalmette, Louisiana, 70043
(504) 278-4228 Fax (504) 278-4209
www.sbpg.net

#21

Kerri Callais
Councilmember
at Large

Richard "Richie" Lewis
Councilmember
at Large

Gillis McCloskey
Councilmember
District A

Joshua "Josh" Moran
Councilmember
District B

Howard Luna
Councilmember
District C

Wanda Alcon
Councilmember
District D

Fred Everhardt, Jr.
Councilmember
District E

Roxanne Adams
Clerk of Council

EXTRACT OF THE OFFICIAL PROCEEDINGS OF THE COUNCIL OF THE PARISH OF ST. BERNARD, STATE OF LOUISIANA, TAKEN AT A REGULAR MEETING HELD IN THE COUNCIL CHAMBERS OF THE ST. BERNARD PARISH GOVERNMENT COMPLEX, 8201 WEST JUDGE PEREZ DRIVE, CHALMETTE, LOUISIANA ON TUESDAY, AUGUST 17, 2021 AT THREE O'CLOCK P.M.

On motion of Mr. Moran, seconded by Mrs. Alcon, it was moved to **adopt** the following ordinance:

ORDINANCE SBPC #2358-08-21

Summary No. 3931

Introduced by: Councilmember Moran on 8/3/21
Public Hearing held on 8/17/21

AN ORDINANCE TO AMEND CHAPTER 11; HEALTH AND SANITATION, ARTICLE II; SOLID WASTE DISPOSAL; JUNK, DIVISION 1; GENERALLY, SECTION 11-20; LITTERING GENERALLY AND CREATING SECTION 11-34; EVICTIONS; PLACEMENT OF ABANDONED PROPERTY OF THE ST. BERNARD PARISH CODE OF ORDINANCES.

ST. BERNARD PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The St. Bernard Parish Council, as the Governing Authority of the Parish, does hereby amend Chapter 11; Health and Sanitation, Article II; Solid Waste Disposal; Junk, Division 1; Generally, Section 11-20; Littering Generally and creating Section 11-34; Evictions; Placement of abandoned property in the St. Bernard Parish Code of Ordinances as attached as Exhibit "A."

SECTION 2. Effective Date. This Ordinance shall become effective immediately upon authorizing signature by the Parish President. In the event of a presidential veto, this Ordinance shall become effective upon a two-thirds favorable vote of the total membership of the Council pursuant to Sections 2-11 and 2-13 of the St. Bernard Parish Home Rule Charter.

SECTION 3. Severability. If any section, clause, paragraph, provision or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, paragraph, provision or portion of this Ordinance, the St. Bernard Parish Council hereby expresses and declares that it would have adopted the remaining portion of this Ordinance with the invalid portions omitted.

The above and foregoing having been submitted to a vote, the vote thereupon resulted as follows:

YEAS: McCloskey, Moran, Luna, Alcon, Everhardt, Callais



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Extract #21 continued
August 17, 2021

Richard "Richie" Lewis
Councilmember
at Large

NAYS: None

ABSENT: None

Gillis McCloskey
Councilmember
District A

The Council Chair, Mr. Lewis, cast his vote as YEA.

And the motion was declared adopted on the 17th day of August, 2021.

Joshua "Josh" Moran
Councilmember
District B


ROXANNE ADAMS
CLERK OF COUNCIL


RICHARD "RICHIE" LEWIS
COUNCIL CHAIR

Howard Luna
Councilmember
District C

Wanda Alcon
Councilmember
District D

Fred Everhardt, Jr.
Councilmember
District E

Delivered to the Parish President

8/20/21 10:35 am
Date and Time

Roxanne Adams
Clerk of Council

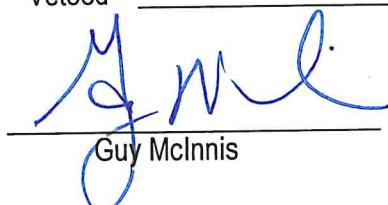
Received by

Magen Kelley

Approved ✓

Vetoed _____

Parish President


Guy McInnis

Returned to Clerk of the Council

8/24/21 8:40 am
Date and Time

**Summary No. 3931
Exhibit "A"
Ordinance SBPC #2358-08-21**

**Chapter 11 – Health and Sanitation
Article II – Solid Waste Disposal; Junk
Division 1 – Generally
Section 11-20 – Littering generally**

Sec. 11-20. - Littering generally.

- (a) *Title.* This article shall be known and may be cited as "St. Bernard Parish Litter Prevention Ordinance."
- (b) *Definitions.*

Court: Any justice of the peace court in St. Bernard Parish and or any division of the 34th Judicial District Court for St. Bernard Parish.

Dispose: To throw, discard, deposit, discharge, burn, dump, drop, eject, or allow the escape of a substance or item(s).

Excessive litter: shall be defined as amounts of materials described as "Litter" in Sec. 11-20(b) that collectively occupies a weight of twenty (20) pounds or greater, including but not limited to mattresses, furniture, appliances, electronics, scrap supplies, clothing, garbage, refuse, and other household items. This includes litter generated by tenant eviction, rental clean-outs, property renovations, property vacation, or any other reason, as well as litter left adjacent to dumpsters or on commercial parking lots.

Garbage: All waste resulting from the preparation, handling, storage, cooking and consumption of food.

Gender shall be the use of him, her, his, hers, its; such words are understood to be interchangeable.

Litter: All waste materials except as provided by and defined in R.S. 30:2173(2), including but not limited to disposable packages, containers, sand, gravel, rubbish, refuse, garbage, trash, cans, bottles, furniture, appliances, tires, engines, other automotive parts, trailers, boats, tools, building materials, demolition and/or construction debris or any other discarded materials of any kind and description.

Local governing authority: The St. Bernard Parish Council.

Private property: Any lot, dwelling, house, building, designed or used either wholly or in part for private purposes, together with the land upon which the same is located. Inclusive of commercial and/or industrial businesses, and portions of private property subject to servitude.

Public places: Any street, sidewalk, median, neutral-ground, alley, roadway, levee, canal, ditch, body of water, right-of-way, park, playground, building, parking lot, refuge, or undeveloped land under public control.

Refuse: All putrescible waste such as food, animal carcasses, seafood, or any other item(s) or substance susceptible to decomposition.

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Ordinance SBPC #2358-08-21

Rubbish: All paper, cardboard, wrappings, metal, yard clippings, leaves, tree or bush clippings, wood, glass, plastic, rubber, cloth, bedding and similar materials.

The terms and definitions provided hereto are applicable to Chapter 11 in its entirety unless otherwise specified.

(j) Excessive commercial litter

- (a) Generally. It shall be unlawful for any person, firm, or corporation to dump excessive litter, or permit the dumping of excessive litter, on or adjacent to commercially designated private property owned or leased by the offending party.
- (b) Enforcement. Upon receipt of a complaint by the Department of Community Development, a notice of violation shall be posted upon the offending property and mailed to the property owner via certified mail. If the property owner fails or refuses to take action to correct the violations, as assessed by the Department of Community Development, within forty-eight (48) hours of notification, the property will be scheduled for clean-up by an appropriate parish crew or designated contractor and the owner will become eligible for fines as described below.
- (c) Charges to property owner. Notice of violation shall be posted on the property and mailed by certified mail to the property owner. If the property owner has not taken steps to correct the violations, as assessed by the Department of Community Development within forty-eight (48) hours of notice, the offending litter will be removed at the property owner's expense. Additionally, the property owner shall be fined five hundred dollars (\$500.00) and a one hundred fifty dollar (\$150) administrative fee. For repeated offenses, the fine shall increase incrementally by five hundred dollars (\$500) per offense, with a maximum fine of two thousand dollars (\$2,000) that shall apply to every additional offense thereafter.

(k) Community service litter abatement work program and indemnification.

- (1) A "court approved community service litter abatement program" may be created by the office of the parish president. Such program shall supervise persons ordered by justice of the peace litter courts to perform community service work collecting or removing litter.
- (2) Any person who participates in a community service litter abatement work program shall have no cause of action for damages against the entity conducting the program or supervising his participation therein, nor against any employee or agent of such entity, for any injury or loss suffered by him during or arising out of his participation in the program, unless the injury or loss was caused by the intentional or grossly negligent act or omission of the entity or its employee or agent. The entity shall not be liable for any injury caused by the individual participating in the program unless the gross negligence or intentional act of the entity or its employee or agent was a substantial factor in causing the injury. No provision

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hereof shall negate the requirement to provide an offender with necessary medical treatment as statutorily required.

(l) Distribution of fines; parish beautification fund and establishment of litter control.

(1) All fines, either civil or criminal, which are not otherwise dedicated and are collected pursuant to this article shall be deposited in a beautification fund administered by the office of the parish president for the purpose of encouraging, organizing, and coordinating volunteer local anti-littering campaigns, to pay expenses for litter clean up, collection, enforcement, prosecution and prevention, and to purchase and operate equipment in connection thereto, all in accordance with R.S. 33:1236.2 and R.S. 33:1236.

(m) Jurisdiction and procedure—Justice of the peace; constable.

(1) A justice of the peace shall have concurrent jurisdiction over the litter violations occurring in the parish. In addition, a constable may issue summons and serve subpoenas anywhere in the parish all in accordance with R.S. 13:2586. Prosecution of litter violations and compensation in criminal cases of a justice of the peace and constable shall be in accordance with R.S. 13:2586 et seq., except for fine and fee amounts which differ, of which this article shall govern.

(2) A justice of the peace may have the authority to issue a warrant or attachment on a person for failing to appear and/or failing to pay the fine and all costs before the justice of the peace court at the time and date set for trial or arraignment upon being cited for a litter violation.

(n) *Severability.* If any section, sentence, part, word or provision of this article is declared null, invalid or unconstitutional by the valid judgment of any court of competent jurisdiction, that finding of nullity, invalidity or unconstitutionality shall in no manner affect any other provisions of this article, the various provisions of this article being hereby declared to be severable.

Chapter 11 – Health and Sanitation
Article II – Solid Waste Disposal; Junk
Division 1 – Generally
Section 11-34 – Evictions; Placement of abandoned property

Section 11-34 – Evictions; Placement of abandoned property

(1) *Generally.* After a warrant of restitution is executed, the landlord shall dispose of the property of a tenant. In no event may any of the tenant's property be placed on public right-of-way or on any public property. Any property removed from the leased premises pursuant to a properly issued warrant of restitution shall be deemed abandoned.

(a) If the tenant or the tenant's agent is present at the time the warrant of

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restitution is executed, the tenant shall be permitted to salvage and transport the tenant's property removed from the leased premises, after the warrant of restitution is executed, for a reasonable period of time, not to exceed twenty-four hours (24).

- (2) Enforcement. Upon receipt of a complaint by the Department of Community Development, a notice of violation shall be posted upon the offending property and mailed to the property owner via certified mail. If the property owner fails or refuses to take action to correct the violations, as assessed by the Department of Community Development, within forty-eight (48) hours of notification, the property will be scheduled for clean-up by an appropriate parish crew or designated contractor and the owner will become eligible for fines as described below.
- (3) Charges to property owner. Notice of violation shall be posted on the property and mailed via certified mail to the property owner. If the property owner has not taken steps to correct the violations, as assessed by the Department of Community Development within forty-eight (48) hours of notice, the offending litter will be removed at the property owner's expense. Additionally, the property owner shall be fined five hundred dollars (\$500.00) and a one hundred fifty dollar (\$150) administrative fee. For repeated offenses, the fine shall increase incrementally by five hundred dollars (\$500) per offense, with a maximum fine of two thousand dollars (\$2,000) that shall apply to every additional offense thereafter.