2020 Regular Session

HOUSE BILL NO. 638

BY REPRESENTATIVE LANDRY

LOCAL GOVT/ORDINANCES: Provides relative to maximum penalties imposed for the violation of parish and municipal ordinances

1	AN ACT
2	To amend and reenact R.S. 33:1243, to enact R.S. 33:1376, and to repeal R.S. 33:1375,
3	relative to parish and municipal ordinances; to provide relative to the violation of
4	such ordinances; to establish maximum penalties for any such violation; to provide
5	exceptions; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 33:1243 is hereby amended and reenacted and R.S. 33:1376 is hereby
8	enacted to read as follows:
9	§1243. Maximum penalties
10	A.(1) Except as otherwise provided in this Section, the The maximum
11	penalty which may be imposed for <u>a</u> violation of any parish ordinance shall be a fine
12	of five hundred thousand dollars and imprisonment of thirty days in the parish jail.
13	A maximum of one hundred hours of community service may be imposed for a
14	violation of any parish ordinance in addition to, or in lieu of, any penalty provided
15	for in this Section.
16	(2) Notwithstanding the provisions of Paragraph (1) of this Subsection or any
17	other law to the contrary, in the parish of East Baton Rouge, the maximum penalty
18	which may be imposed for violation of any parish ordinance as codified in Title 11
19	or 13 of the Code of Ordinances for the parish of East Baton Rouge and the city of
20	Baton Rouge shall be a fine of one thousand dollars and imprisonment of six months

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1 in the parish jail. Maximum penalties for violations of ordinances other than those 2 provided for in this Paragraph shall be as established in Paragraph (1) of this 3 Subsection. 4 B.(1) In the parish of Jefferson the maximum penalty which may be imposed 5 for violation of any parish ordinance shall be a fine of five hundred dollars and 6 imprisonment of six months in the parish jail. 7 (2) Notwithstanding the provisions of Paragraph (1), the governing authority of any such parish may provide for a fine not to exceed five thousand dollars and a 8 9 sentence of imprisonment not to exceed six months in the parish jail for violation of 10 any ordinance prohibiting the dumping of trash, debris, refuse, garbage, other solid 11 and liquid waste, greases and oils, such as but not limited to cooking oil and fats, 12 motor oil, antifreeze, truck and automotive fluids, paint, paint thinners, and gasoline 13 into drainage culverts, lines, or canals, upon any public place within the parish, upon 14 private property within the parish not owned by the person accused of the violation, 15 upon property owned or controlled by the parish, or in or on the waters within the 16 parish, whether from a vehicle or otherwise, including but not limited to any public 17 highway, public park, beach, campground, forest land, recreational area, trailer park, 18 highway, road, street, or alley. Notwithstanding any provisions to the contrary, this 19 Paragraph shall not apply to any activity permitted or authorized by a state or federal 20 program and also shall not apply to any activity during the servicing of scheduled 21 pickup routes pursuant to commercial, municipal or local government contracts, or 22 en route to an authorized pickup station, transfer station or disposal facility by 23 persons owning or operating duly licensed commercial vehicles engaged in the collection and transportation of solid waste, construction or demolition debris or 24 25 wood waste as such terms are defined by the rules and regulations of the Louisiana 26 Department of Environmental Quality. 27 C. B. Notwithstanding any other provision of law to the contrary, a civil

penalty of up to one thousand dollars a day may be imposed for each violation of any
parish ordinance regulating the use of publicly owned waste treatment works or

1	discharges to publicly owned waste treatment works if the violator is a non-domestic
2	user of the treatment works.
3	* * *
4	§1376. Municipal ordinances; violations; maximum penalties
5	Notwithstanding any other provision of law to the contrary, the maximum
6	penalty which may be imposed for the violation of any ordinance enacted by the
7	governing authority of a municipality shall be a fine of five thousand dollars. The
8	maximum penalty established by the provisions of this Section shall not apply to any
9	penalty imposed for a non-moving or parking violation or any other traffic violation,
10	including any violation captured by an automated traffic enforcement system.
11	Section 2. R.S. 33:1375 is hereby repealed in its entirety.
12	Section 3. This Act shall become effective on July 1, 2020; if vetoed by the governor
13	and subsequently approved by the legislature, this Act shall become effective on July 1,
14	2020, or on the day following such approval by the legislature, whichever is later.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 638 Original 2020 Regular Session

Landry

Abstract: Increases the maximum penalty that may be imposed for a violation of a parish or municipal ordinance.

<u>Present law</u> provides that the maximum penalty that may be imposed for the violation of a parish ordinance is a \$500 fine and imprisonment of 30 days in parish jail. Provides that the maximum length of imprisonment in Jefferson Parish is six months and authorizes higher penalties for violations of certain ordinances in East Baton Rouge and Jefferson parishes. Authorizes imposition of civil penalties for some violations of waste treatment ordinances. Additionally authorizes imposition of up to100 hours of community service, in addition to or in lieu of penalties authorized by existing law, for a violation of a parish ordinance.

<u>Proposed law</u> instead provides that the maximum penalty that may be imposed for the violation of any parish ordinance is a fine of \$5000. Retains the 30 day imprisonment provision and the authority granted to the parish to impose community service or additional civil penalties.

<u>Present law</u> provides that the maximum penalty which may be imposed for the violation of any ordinance enacted by the governing authority of the city of New Orleans is a fine of \$500 for a first offense violation and \$1,000 for the second or any subsequent offense. Provides that the maximum penalties do not apply to penalties imposed for non-moving or

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parking violations or other traffic violations, including those captured by an automated traffic enforcement system.

<u>Proposed law</u> repeals <u>present law</u> and provides instead that the maximum penalty which may be imposed for the violation of municipal ordinances statewide is a fine of \$5000. Provides that the maximum penalties do not apply to penalties imposed for non-moving or parking violations or other traffic violations, including those captured by an automated traffic enforcement system.

Effective July 1, 2020.

(Amends R.S. 33:1243; Adds R.S. 33:1376; Repeals R.S.33:1375)