

ORDINANCE NO. JO-008-2022

A JOINT ORDINANCE OF THE LAFAYETTE CITY COUNCIL AND THE LAFAYETTE PARISH COUNCIL AMENDING LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT CODE OF ORDINANCES CHAPTER 86, ARTICLE II, DIVISION 8, SECTION 86-65 “DRIVING THROUGH STANDING WATER” TO PROVIDE ADDITIONAL REPORTING AND ENFORCEMENT MEANS RELATED TO VIOLATIONS THEREOF

BE IT ORDAINED by the Lafayette City Council and the Lafayette Parish Council, that:

WHEREAS, on February 6, 2018, by Ordinance No. O-012-2018, the Lafayette City-Parish Council enacted Lafayette City-Parish Consolidated Government Code of Ordinances (“LCG Code of Ordinances”) Chapter 86, Article II, Division 8, Section 86-65 “Driving Through Standing Water,” which specifically prohibited the driving of a vehicle through standing water in such a manner as to create a wake or wave that introduces water or pushes additional water into any building or residence; and

WHEREAS, in furtherance of the public health, safety and welfare, the Lafayette City Council and the Lafayette Parish Council desire to amend Chapter 86, Article II, Division 8, Section 86-65 to provide for additional regulations associated therewith, all as more fully detailed herein.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Lafayette City Council and the Lafayette Parish Council, that:

SECTION 1: All of the aforedescribed “Whereas” clauses are adopted as part of this ordinance.

SECTION 2: Chapter 86, Article II, Division 8, Section 86-65 of the Lafayette City-Parish Consolidated Government Code of Ordinances is hereby repealed and reenacted as follows, with words in ~~strike through~~ being deletions from existing law, and words **underscored and boldfaced** being additions:

Sec. 86-65. - Driving through standing water.

- (a) It shall be unlawful to drive any vehicle through standing water in a manner that causes any wake or wave which introduces water or pushes additional water into any building or residence, unless the vehicle is an emergency vehicle.
- (b) In addition to any other penalty provided by law, any person who fails or refuses to comply with any lawful order or direction to cease any act violative of subsection (a) of this section given by any police officer invested by law with authority to direct, control, or regulate traffic shall be subject to arrest.
- (c) **Exemptions:** ~~The provisions of the Section shall not apply to the following:~~

1. **Federal, state and/or local law enforcement personnel, members of the National Guard and/or any branch of the military, emergency services personnel (i.e., first responders), and**

members of a rescue or disaster relief organization or group when engaged in the exercise of their lawful duties;

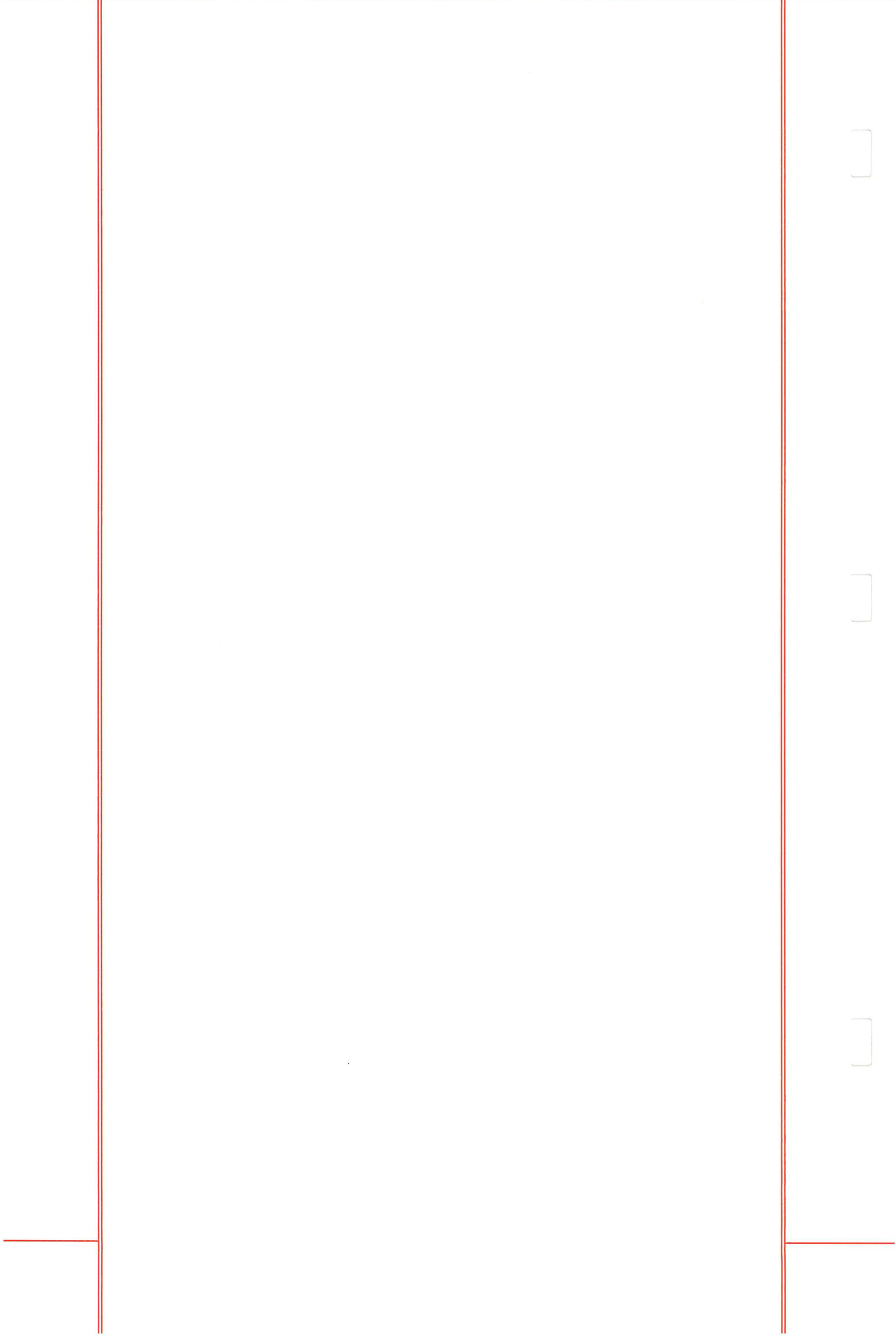
2. Persons, or their representatives, who reside or own property in or adjacent to the flooded and/or inundated area, while engaged in caring for his life, family, or property or the lives, families, or property of his neighbors, provided that entry to the flooded and/or inundated area is not prohibited by a law enforcement officer or other person authorized to be within the area in the exercise of their lawful duties; and
- (d) *Enforcement:* When a peace officer has reasonable grounds to believe a person has committed a violation of this Section, he shall issue a summons to the offender in accordance with law, commanding him to appear and answer the charge. For the purposes of this Section, "peace officer" shall mean the Lafayette Parish Sheriff, the Chief of the Lafayette Police Department, and any employee of the Lafayette Police Department or the Lafayette Parish Sheriff's Office, whose duties actually include the making of arrests, the performing of searches and seizures, or the execution of criminal warrants, and is responsible for the prevention or detection of crime or for the enforcement of the penal, traffic, or highway laws of this state, the Parish of Lafayette and/or the City of Lafayette.
- (e) A person may be found guilty and penalized under this Section, although the commission of the offense did not occur in the presence of a peace officer if the evidence presented to the court exercising jurisdiction establishes that the defendant has committed the offense.
- (f) *Penalties:* Whoever commits a violation of this section shall be guilty of a misdemeanor, punishable as follows:
1. For a first offense, a fine of not less than \$200.00 and community service of not less than six (6) seven-hour days of collecting and picking up litter and trash on public roads, streets and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries;
 2. For a second offense, a fine of not less than \$300.00 and community service of not less than ten (10) seven-hour days of collecting and picking up litter and trash on public roads, streets and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries; and
 3. For a third offense and each subsequent offense, a fine of not less than \$500.00 and community service of not less than 20 seven-hour days of collecting and picking up litter and trash on public roads, streets and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries, and/or imprisonment for not more than 180 days.
- (g) *Inability to Pay Penalties.* If a person convicted of a violation under this section can demonstrate the inability to pay a penalty imposed by the court, that person shall be ordered, in lieu of the penalty, to perform community service of not less than one (1) seven-hour day of collecting and picking up litter and trash on public roads, streets and highways, and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries per \$50.00 of the penalty imposed.
- (h) *Community Service.* The community service of collecting and picking up litter and trash on public roads, streets and highways and cleaning, cutting grass, removing weeds, litter and trash in public parks, playgrounds and cemeteries shall be performed by such person through a Court approved community service litter abatement program. The court may elect to substitute two (2) seven-

hour days of community service for each one (1) day of imprisonment.

SECTION 3: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 4: After first having been adopted by a majority of the authorized membership of both the Lafayette Parish Council and the Lafayette City Council, this joint ordinance shall become effective upon signature of this joint ordinance by the Lafayette Mayor-President, the elapse of ten (10) days after receipt by the Lafayette Mayor-President without signature or veto, or upon override of a veto, whichever occurs first.

* * * * *





RECEIVED

JAN 13 2022

Lafayette Consolidated Government
Chief Administrative Officer

Internal Memorandum

Legal Department

TO: Cydra Wingerter, Chief Administrative Officer

CC: Joshua S. Guillory, Mayor-President

FROM: Paul D. Escott, Assistant City-Parish Attorney

SUBJECT: Joint Council Agenda Item – Joint Ordinance
February 1, 2022 Meetings – Introduction
February 15, 2022 Meetings – Final Adoption


DATE: January 13, 2022

Cydra,

On behalf of Mayor-President Guillory, I submit the following, to wit:

- A. A Joint Ordinance of the Lafayette City Council and the Lafayette Parish Council Amending Lafayette City-Parish Consolidated Government Code of Ordinances Chapter 86, Article II, Division 8, Section 86-65 "Driving Through Standing Water" to Provide Additional Reporting and Enforcement Means Related to Violations Thereof; and
- B. Joint Ordinance – Agenda Item Submittal Form

I respectfully request that this Joint Ordinance be placed on the February 1, 2022 agenda for consideration, for introduction, with consideration for final adoption at the City and Parish Councils' February 15, 2022 meeting.



Paul D. Escott
Assistant City-Parish Attorney

LAFAYETTE JOINT COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

1) JUSTIFICATION FOR REQUEST: A Joint Ordinance of the Lafayette City Council and Lafayette Parish Council Amending Lafayette City-Parish Consolidated Government Code of Ordinances Chapter 86, Article II, Division 8, Section 86-65 "Driving Through Standing Water" to Provide Additional Reporting and Enforcement Means Related to Violations Thereof

2) ACTION REQUESTED: Adoption of Joint Ordinance

3) COUNCIL DISTRICT(S) (if applicable): ALL

4) REQUESTED ACTION OF COUNCIL:

A) INTRODUCTION: February 1, 2022

B) FINAL ADOPTION: February 15, 2022

5) DOCUMENTATION INCLUDED WITH THIS REQUEST:

A) Cover Memo (1 page)

B) Joint Ordinance (3 pages)

C) Agenda Item Submittal Form (1 page)

6) FISCAL IMPACT:

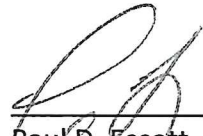
Fiscal Impact

No Fiscal Impact

AUTHORED BY:


JOSHUA S. GUILLORY
Mayor-President

SUBMITTED BY:



Paul D. Escott
Assistant City-Parish Attorney

APPROVED FOR AGENDA:



CYDRA WINGERTER
LCG Chief Administrative Officer

DISPOSITION OF ORDINANCE NO. JO-008-2022

1. This ordinance was introduced: February 1, 2022
YEAS: Tabor, K. Naquin, Carlson, Guilbeau, Rubin
NAYS: None
ABSENT: None
ABSTAIN: None

Final disposition by **Parish Council**:
February 15, 2022
YEAS: Tabor, K. Naquin, Carlson, Guilbeau, Rubin
NAYS: None
ABSENT: None
ABSTAIN: None

This ordinance was introduced:
YEAS: Lewis, A. Naquin, Hebert, Cook, Lazard
NAYS: None
ABSENT: None
ABSTAIN: None

Final disposition by **City Council**:
YEAS: Lewis, A. Naquin, Hebert, Cook, Lazard
NAYS: None
ABSENT: None
ABSTAIN: None

2. Notice of Public Hearing: This ordinance was published by Title and Notice of Public Hearing was published in the Advertiser on February 4, 2022.

3. This ordinance was presented to the Mayor-President for approval on February 16, 2022, at 10:00 o'clock 2 .m.


CLERK OF THE COUNCIL

4. Disposition by Mayor-President:


I hereby:

A. Approve this ordinance, the 17th day of February, 2022, at 4:30 o'clock P.m.

B. Veto this ordinance, the _____ day of _____, 2022, at _____ o'clock ____ .m., veto message is attached.

C. Line item veto certain items this _____ day of _____, 2022, at _____ o'clock ____ .m., veto message is attached.


MAYOR-PRESIDENT

5. Returned to Council Office  with/without veto message on February 18, 2022, at 4:12 o'clock P.m.

6. Reconsideration by Council (if vetoed):

On _____, 2022, the Councils did/refused to adopt this ordinance after the Mayor-President's veto.

7. Returned to the Council Office without signature of Mayor-President (*unsigned*) on _____, 2022, at _____ o'clock ____ .m.

If not signed or vetoed by the Mayor-President, and ten days have elapsed since this ordinance was presented to him for action, same has been automatically approved.


CLERK OF THE COUNCIL

8. Full publication of this ordinance was made in the Advertiser on February 18, 2022.

