

CITY ORDINANCE NO. CO-001-2025

AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL AMENDING THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT CODE OF ORDINANCES CHAPTER 62, ARTICLE I, DIVISION 2, BY ENACTING SECTION 62-94 ENTITLED “UNAUTHORIZED USE OF PUBLIC DRAINAGE CHANNELS”

BE IT ORDAINED by the Lafayette City Council, that:

WHEREAS, the Lafayette City Council recognizes the importance of maintaining Public Drainage Channels (as defined herein) in the City of Lafayette for the safety and well-being of its residents, ensuring effectively functioning drainage systems to prevent flooding and other hazards; and

WHEREAS, Public Drainage Channels serve as essential infrastructure for stormwater management and are critical to preserving the integrity of the City of Lafayette’s stormwater management systems; and

WHEREAS, Public Drainage Channels are designed to manage stormwater runoff and are often characterized by steep banks, swift currents, and varying water depths, which can present significant risks to personal safety; and

WHEREAS, unauthorized entry into Public Drainage Channels expose individuals to the danger of drowning, injury from swift-moving water, or being trapped by debris; and

WHEREAS, individuals who traverse or utilize Public Drainage Channels may inadvertently cause or create conditions that increase the risk of flooding for surrounding properties and infrastructure; and

WHEREAS, Public Drainage Channels are often concealed by vegetation, debris, or other obstructions, making it difficult for individuals to recognize the potential hazards and increasing the likelihood of accidents; and

WHEREAS, ensuring that Public Drainage Channels remain unobstructed and untraversed is vital to maintaining their intended function as essential infrastructure for stormwater management and flood prevention, and to reducing the risk of personal injury or harm to the public; and

WHEREAS, the unauthorized entry, obstruction, traversal, or utilization of such channels for any purpose other than in the furtherance of the intended function of said channel disrupts this intended function, causes safety hazards, and leads to potential risks to life and damage to surrounding properties and infrastructure.

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

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

SECTION 2: Chapter 62 “Offenses and Miscellaneous Provisions,” Article I “Crimes and Offenses in City of Lafayette,” Division 2 “Specific Crimes and Offenses in City of Lafayette” is hereby amended to add Section 62-94 “Unauthorized Use of Public Drainage Channels” to read as follows:

Sec. 62-94. – Unauthorized Use of Public Drainage Channels

(a) *Definitions:* The following words, terms and phrases when used in this Section shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Public Drainage Channels: The term "Public Drainage Channels" shall mean those concrete-lined drainage coulees/channels, or parts thereof, located within the corporate limits of the City of Lafayette.

(b) *Unlawful:* It shall be unlawful for any person to:

1. Enter into any Public Drainage Channel, except where expressly authorized by the City of Lafayette and/or the Lafayette City-Parish Consolidated Government for maintenance, inspection, or other official purposes;
2. Obstruct or impede the natural flow of water within any Public Drainage Channel, including but not limited to the deposition of material, debris, or any other item that could block or divert the flow of water;
3. Traverse any Public Drainage Channel on foot, by vehicle, or by any other means, except as part of official activities conducted by the City of Lafayette and/or Lafayette City-Parish Consolidated Government or authorized personnel;
4. Utilize any Public Drainage Channel for any purpose other than in furtherance of the intended function of said channel, unless expressly authorized by the City of Lafayette and/or Lafayette City-Parish Consolidated Government.

(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. Authorized personnel, including but not limited to City of Lafayette and/or Lafayette City-Parish Consolidated Government employees, contractors, or agents, performing maintenance, repairs, inspections, or other official functions within the Public Drainage Channels;
3. Persons authorized by the City of Lafayette and/or the Lafayette City-Parish Consolidated Government to enter or utilize specific Public Drainage Channels for scientific, engineering, or other approved purposes.

(d) *Enforcement:* When a peace officer has reasonable grounds to believe a person has committed a violation of this Section, he may issue a summons to the offender or make an arrest 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, the Lafayette City Marshal, and any employee of the Lafayette Police Department, the Lafayette Parish Sheriff’s Office, or the Lafayette City Marshal’s Office, whose duties 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 \$100 and community service of not less than two (2) 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 and community service of not less than five (5) 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 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/or imprisonment for not more than 30 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 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.

Secs. 62-95 – 62-99. – Reserved.

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

SECTION 4: This ordinance shall become effective upon signature of 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.

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LAFAYETTE PARISH COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

- 1) **JUSTIFICATION FOR REQUEST:** An ordinance of the Lafayette City Council amending the Lafayette City-Parish Consolidated Government Code of Ordinances Chapter 62, Article I, Division 2, by enacting Section 62-94, entitled "Unauthorized Use of Public Drainage Channels."
- 2) **ACTION REQUESTED:** Adoption of Ordinance
- 3) **COUNCIL DISTRICT(S) (CIP PROGRAM/PROJECTS ONLY):** N/A
- 4) **REQUESTED ACTION OF COUNCIL:**
- A) INTRODUCTION: 01/21/25
 - B) FINAL ADOPTION: 02/04/25
- 5) **DOCUMENTATION INCLUDED WITH THIS REQUEST:**
- A) Ordinance
 - B) Submittal Form
- 6) **FISCAL IMPACT:**
- _____ Fiscal Impact. (Explain)
 See budget revision
- X No Fiscal Impact

APPROVED FOR AGENDA:

/s/ Andy Naquin
ANDY NAQUIN, DISTRICT 2
LAFAYETTE CITY COUNCIL