

CHAPTER 16

MOTOR VEHICLES AND TRAFFIC

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Article A. General

Section 16.1 Highway Regulatory Act adopted

A. Pursuant to the authority conferred by R.S. Title 32:41(C), the town adopts the provisions of R.S. Title 32, Chapter 1, (Louisiana Highway Regulatory Act) and all regulations of the state Department of Transportation and Development and the secretary of the Department of Public Safety and Corrections adopted pursuant thereto, which govern the operation of motor vehicles, traffic, and streets, except for such provisions and regulations as are in conflict or inconsistent with this Article or by their nature can have no application and except as otherwise

provided in this Code.
(Ordinance 45 adopted 6/8/82)

B. Except as provided in Subsections D and E, any person charged with a violation of a traffic offense may promise, in writing on a form prepared or otherwise used by the town, to appear to answer the charge.

C.(1) Except as provided in Subsections D and E, any person charged with a violation of this Section may plead guilty to the alleged offense and pay the fine prior to date of adjudication in the town hall during business hours or by mail. Payment by mail must be postmarked on or before the date of adjudication and may be made by certified check or money order. No temporary checks or cash shall be accepted by mail.

(2) If the offender fails to pay the fine by mail in advance of adjudication and fails to appear at the time and date indicated on the citation, an additional penalty in an amount not to exceed the amount of the fine for the original violation may be imposed by the mayor's court.

D. Subsections B and C shall not apply to citations alleging that the operator of the motor vehicle was:

- (1) Under the influence of alcohol or controlled substances.
- (2) Exceeding the speed limit by fifteen (15) miles per hour or more.
- (3) Exceeding the speed limit in a school zone.
- (4) Driving with a suspended license.
- (5) Drag racing.
- (6) Cited for failure to maintain compulsory security.

E. Subsections B and C shall not apply when the operator was involved in an accident in which a person was injured or is alleged to have committed the same offense twice within a period of one (1) hour.

(Ordinance 97 adopted 4/9/96)

Section 16.2 Speed limits; required equipment

A. It is unlawful for any person to recklessly drive or operate an automobile, or other motor-driven vehicle, or while driving said automobile or other motor-driven vehicle, to travel at

a speed greater than twenty-five (25) miles per hour on all roads, streets, or alleys lying within the town with the exception of BMG Drive and Bayou Road which has a speed limit of fifteen (15) miles per hour. The speed limit provided for by this Subsection shall not apply to state or federal highways within the town.

B. It shall be unlawful for any person to operate an automobile, or other motor-driven vehicle, in the town during the hours of darkness without two well functioning and sufficiently bright front lights to clearly and safely reveal the roadway ahead of said vehicle and without a bright rear or tail-light.

(Ordinance adopted 2/2/60; Ordinance adopted 1/2/62; Ordinance 2006-166 adopted October 9, 2006, effective November 1, 2006; Ordinance 2015-225 adopted 7/13/15)

Section 16.3 Driver's license

A. It is unlawful for any person to drive a motor vehicle or power cycle upon any highway, street, or roadway within the town without having been issued a driver's license for the operation of such vehicle by the office of motor vehicles.

B. Any person driving a motor vehicle or power cycle on any highway, street, or road within the town shall have his driver's license in his immediate possession, and shall display it upon demand of any police officer of the state, parish, or town.

(Ordinance 11 adopted 1/5/60; Ordinance 2006-166 adopted October 9, 2006, effective November 1, 2006)

Section 16.4 Unlawful activity with motor vehicles by certain minors

A. It is unlawful for any person to cause or knowingly permit his or her child or ward, under the age of seventeen (17) years, to drive a motor vehicle or a power cycle, upon any highway, street or road within the town, unless such child or ward is licensed by the state to do so.

(Ordinance 10 adopted 1/5/60; Ordinance 2006-166 adopted October 9, 2006, effective November 1, 2006)

Section 16.5 Load limits

A. No motor vehicle or semi-trailer shall be operated on the public streets owned and maintained by the town, with the exception of Newfield Drive between Richfield Drive and LA Highway 78, carrying a load in excess of ten thousand (10,000) pounds, except to make a local delivery or for repair service.

B. No motor vehicle or semi-trailer shall be operated on Newfield Drive between

Richfield Drive and LA Highway 78 carrying a load in excess of thirty thousand (30,000) pounds except to make a local delivery or for repair service.

C. Any vehicle carrying a load in excess of this section shall, before using town streets, obtain a special permit from the police department. The special permit will be issued if it appears the vehicle will not cause damage to the town's streets.
(Ordinance 61 adopted 10/7/86; Ordinance 154 adopted 8/10/04; Ordinance 2006-166 adopted October 9, 2006, effective November 1, 2006)

Section 16.6 Bicycles, required equipment

A. No person shall operate a bicycle on any public street or roadway within the town after sunset without having the necessary and proper lighting equipment in operation as prescribed hereinafter.

B. Every bicycle when in use at night time shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500') feet to the front and with a red reflector on the rear which shall be visible from all distances within three hundred fifty (350') feet to one hundred (100') feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500') feet to the rear may be used in addition to the red reflector.
(Ordinance adopted 11/5/74; Ordinance 2006-166 adopted October 9, 2006, effective November 1, 2006)

Section 16.7 Dynamic braking devices

A. DEFINITION - A device which utilizes the power of an engine to provide a power absorbing and retarding effect to assist the slowing or braking of a vehicle (commonly known as "Jake Brakes") which increase engine noise and sound through the exhaust system while in use.

B. PROHIBITION - It shall be unlawful to operate or use engine powered braking devices within the corporate limits of the town.

C. EXCEPTION - (1) It is an affirmative defense to prosecution under this section if dynamic braking devices are applied in cases of emergency to avert imminent danger to persons or property.

(2) Furthermore, the provisions of this section shall not apply to emergency vehicles or equipment.
(Ordinance 2008-179 adopted February 11, 2009)

Section 16.8 Penalty

Any person charged with the violation of this Article shall, upon conviction, thereof, be subject to a fine of up to five hundred (\$500) dollars, sixty (60) days of imprisonment, or both for each violation.

(Ordinance 2006-166 adopted October 9, 2006, effective November 1, 2006)

Article B. Removal of Abandoned or Inoperative Vehicles

Section 16.11 Findings and declarations

A. In addition to and in accordance with the determination made and the authority granted to remove abandoned or inoperative vehicles as public nuisance, the council makes the following findings and declarations.

B. The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles is found to create a condition tending to reduce the value of property; to promote blight and deterioration; to invite plundering; to create fire hazards; to constitute an attractive nuisance creating a hazard to the health and safety of minors; to create a harborage for rodents and insects; and to be injurious to the health, safety, and general welfare. Therefore, the presence of abandoned or inoperative vehicles, except as expressly hereinafter permitted, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Article.

(Ordinance 125 adopted 3/12/01)

Section 16.12 Definitions

As used in this Article:

(1) "Abandoned." It shall be a prima facie evidence that the vehicle has been abandoned when it is situated on the private property of another, without that person's permission, for a period of thirty (30) days or longer.

(2) "Antique vehicle" means any motor vehicle twenty-five (25) years or older, which is substantially in its original condition. These vehicles must be registered as antiques and display antique license plates.

(3) "Enforcing agency" means the chief of police as well as his duly authorized officers.

(4) "Inoperative" means incapable of self-propelled movements. A vehicle which is not currently and validly registered for operation or use on the highways and streets, as required by

law, is presumed to be inoperative.

(5) "Owner of the premises" means the owner of the land on which the vehicles are located, as shown on the last equalized assessment roll.

(6) "Owner of the vehicle" means the last registered owner.

(7) "Vehicle" means a device, by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

(Ordinance 125 adopted 3/12/01)

Section 16.13 Exceptions

This Article shall not apply to:

(1) A vehicle which is completely enclosed within a building in a lawful manner or is not otherwise visible from the street or other public or private property.

(2) Any motor vehicle in an appropriate storage place or depository maintained at a location where such business is authorized under the regulatory ordinances of the town.

(3) Any motor vehicle in operable conditions specifically adapted or constructed for racing or operation on privately owned drag strips or raceways.

(4) Any motor vehicle retained by the owner for antique collection purposes, as defined herein, rather than for salvage or for transportation.

(5) Any motor vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.

(Ordinance 125 adopted 3/12/01)

Section 16.14 Administration and enforcement

Except as otherwise provided herein, this Article shall be administered and enforced by the police chief or his designee. In the enforcement of this Article, persons charged with administration and enforcement may enter upon private or public property to examine the vehicle or parts thereof, or obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Article. (Ordinance 125 adopted 3/12/01)

Section 16.15 Right to enter on private property

When the town has contracted with or granted a permit to any person, the person shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Article.
(Ordinance 125 adopted 3/12/01)

Section 16.16 Notice to owner or occupant to abate public nuisance on occupied or unoccupied premises

A. Whenever any public nuisance exists on occupied or unoccupied premises within the town in violation of Section 16.11, the enforcing agency shall order the owner of the vehicle, or the owner or the occupant of the premises whereon such public nuisance exists, to abate or remove the same. Such order shall:

- (1) Be in writing.
- (2) Specify the public nuisance and its location.
- (3) Specify the corrective measures required.
- (4) Provide for compliance within fifteen (15) days from service thereof.

(5) Provide for opportunity for a hearing by written request received by the enforcing agency within seven (7) days.

B. The order shall be served upon the owner or occupant of the premises and the owner of the vehicle by serving him personally or by sending the order by certified mail, return receipt requested, to the address of the premises and the address shown by the office of motor vehicles.

C. Within the fifteen (15) day period after service of notice, the owner of the premises or the owner of the vehicle shall abate the nuisance by (1) removing the nuisance from the premises, or (2) commencing repairs to the vehicle which shall be completed within sixty (60) days (an extension not to exceed six (6) months may be given by the enforcing agency for good cause shown), and notifying the enforcing agency of the manner in which the nuisance was abated.

D. If the owner or occupant of the premises or the owner of the vehicle fails to abate the nuisance within the fifteen (15) day period of notification or fails to timely request a hearing, the police chief may issue a misdemeanor summons to the owner or occupant of the premises and cause the vehicle to be removed from the premises in the same manner as provided by state law and local ordinance. The owner or occupant of the premises and the owner of the vehicle shall

be liable for all expenses incurred for the removal of vehicle.
(Ordinance 125 adopted 3/12/01)

Section 16.17 Notice presumed from refused certified mail

For purposes of this Article, when the owner of premises or owner of vehicle has been served notice by certified mail as set forth in Section 16.16, and such certified mail is refused, the owner is deemed to have received notice in accordance with this Article.
(Ordinance 125 adopted 3/12/01)

Section 16.18 Failure or refusal to comply

The failure or refusal to comply with this Article shall constitute a misdemeanor, and the violator shall be subject to a fine of up to five hundred (\$500) dollars, sixty (60) days imprisonment, or both for each violation.
(Ordinance 125 adopted 3/12/01)

Section 16.19 Removal from unoccupied premises when owner's whereabouts are unknown

Where there is an abandoned or inoperative motor vehicle that is unoccupied and the identity of whereabouts of either the owner of the premises or the owner of the vehicle is unknown or unascertainable after a diligent search has been made, or if notice sent to the last record owner of the property by certified mail has been returned as unclaimed, then the enforcing agency shall place an advertisement in the official journal for the whereabouts of said owner for two (2) consecutive weeks. If no response is forthcoming after the two (2) consecutive weeks, then the enforcing agency may take possession of the motor vehicle and remove it from the premises. The enforcing agency shall thereafter dispose of the vehicle in the same manner as provided in Section 16.16.
(Ordinance 125 adopted 3/12/01)

Section 16.20 Removal of vehicles from private property

Private property owners, whether commercial or residential, have the power, as authorized by general law, to cause vehicles to be removed from their property illegally situated thereon. If any case where a private property owner requests any law enforcement agency having jurisdiction, to cause to be removed from private property a vehicle said by the private property owner to be illegally situated on his private property, such law enforcement agency shall be authorized and empowered to cause the vehicle to be removed by wrecker service in accordance with established policies and procedures for obtaining of wrecker services by law enforcement agencies in the town.
(Ordinance 125 adopted 3/12/01)

Updated December 2016

ORDINANCE NO. 2017-236

AMENDING SECTION 16 ARTICLE B OF THE CODE OF ORDINANCES REMOVAL OF ABANDONED, INOPERATIVE, OR NUISANCE VEHICLES

BE IT ORDAINED by the Livonia Town Council in regular session convened that Chapter 16 Article B of the Code of Ordinances of the Town of Livonia is hereby amended and reenacted to read as follows:

Article B. Removal of Abandoned, Inoperative or Nuisance Vehicles

Section 16.11 Findings and declarations

Section 16.12 Definitions

Section 16.13 Exceptions

Section 16.14 Administration and enforcement

Section 16.15 Right to enter on private property

Section 16.16 Abatement of abandoned, inoperative, and/or nuisance vehicles

Section 16.16.1 Request for Hearing

Section 16.17 Failure or refusal to comply

Section 16.18 Removal of vehicles from private property

Article B. Removal of Abandoned, Inoperative or Nuisance Vehicles

Section 16.11 Findings and declarations

Abandoned vehicles, inoperative vehicles and/or nuisance vehicles, as defined in this article, have been found to create conditions detrimental to the health, welfare, and safety of the residents of the town by promoting blight and deterioration, inviting plundering, creating fire hazards, constituting a potential attractive nuisance to minors, harboring or creating breeding grounds for mosquitoes and other pests, and by tending to reduce the value of property.

Therefore, the presence of abandoned, inoperative, and/or nuisance vehicles, except as expressly hereinafter permitted, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Article.

(Ordinance 125 adopted 3/12/01)

Section 16.12 Definitions

As used in this Article:

(1) "Abandoned vehicle" means a motor vehicle that is left for more than three days in any of the following circumstances:

(a) Unattended on public property

(b) On the shoulder or within the right-of-way of a four-lane highway, two-lane highway, or any road, street or thoroughfare within the corporate limits of Livonia.

(c) Illegally on public property

(d) On private property without the consent of the owner or person in control of the property.

(2) "Antique vehicle" means any motor vehicle twenty-five (25) years or older, which is substantially in its original condition. These vehicles must be registered as antiques and display antique license plates.

(3) "Nuisance Vehicle" means a motor vehicle where any one or more of the following factors are present and which, in the aggregate, evidence that the motor vehicle is not being used and maintained as an operating vehicle and the condition of the motor vehicle or the surrounding area does not indicate that active on-going efforts are underway to return the motor-vehicle to operating condition within the immediate future. The factors which may indicate that a motor vehicle is a nuisance vehicle include one or more of the following:

(a) The motor vehicle is partially dismantled, partially disassembled, or wrecked, or lacks major mechanical or body parts;

(b) The motor vehicle is not capable of movement under its own power in the manner in which it was originally intended, or is otherwise inoperable for use as a motor vehicle;

(c) Based upon the records of the town or from the condition of the motor vehicle, it is readily apparent that it is and has remained inoperable for a period in excess of 30 days;

(d) The motor vehicle has one or more tires missing or not reasonably inflated to the extent they are useable, or has one or more broken or severely cracked windows;

(e) The motor vehicle does not have a current license plate, registration, motor vehicle inspection sticker and/or it is evident that the motor vehicle is not currently operable in a legal manner;

(f) The motor vehicle is located in an area of a growth of weeds, grass, or other noxious vegetation over twelve inches in height;

(g) The location or condition of the motor vehicle makes it a possible breeding ground or harbor for mosquitoes, other insects, rats, snakes, or other vermin;

- (h) The motor vehicle is a point of collection for pools or ponds of water;
 - (i) The motor vehicle is a point of concentration of quantities of gas or oil or other flammable or explosive materials;
 - (j) The motor vehicle is a point of collection of garbage, food waste, animal waste or other putrescent matter, or of trash, junk or similar collection of items, alone or in the aggregate;
 - (k) The motor vehicle has sharp or jagged parts, or has sharp or otherwise dangerous edges or points of metal, plastic, or glass;
 - (l) The motor vehicle has areas of confinement (trunk, no door knobs/window handles) which cannot be operated from the interior of those areas;
 - (m) The motor vehicle has been utilized by minors for recreational activities within the previous 60 days;
 - (n) The motor vehicle is situated or located haphazardly, or is in danger of falling or turning over;
 - (o) The motor vehicle has an accumulation of factors that make it a health or safety hazard.
- (4) "Enforcing agency" means the chief of police as well as his duly authorized officers.
 - (5) "Inoperative" means incapable of self-propelled movements.
 - (6) "Owner of the premises" means the owner of the land on which the vehicles are located, as shown on the last equalized assessment roll.
 - (7) "Owner of the vehicle" means the last registered owner.
 - (8) "Vehicle" means a device, by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.
(Ordinance 125 adopted 3/12/01)

Section 16.13 Exceptions

This Article shall not apply to:

- (1) A vehicle which is completely enclosed within a building in a lawful manner or is not otherwise visible from the street or other public or private property.

(2) Any motor vehicle in an appropriate storage place or depository maintained at a location where such business is authorized under the regulatory ordinances of the town.

(3) Any motor vehicle in operable conditions specifically adapted or constructed for racing or operation on privately owned drag strips or raceways.

(4) Any motor vehicle retained by the owner for antique collection purposes, as defined herein, rather than for salvage or for transportation.

(5) Any motor vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.

(Ordinance 125 adopted 3/12/01)

Section 16.14 Administration and enforcement

Except as otherwise provided herein, this Article shall be administered and enforced by the police chief or his designee. In the enforcement of this Article, persons charged with administration and enforcement may enter upon private or public property to examine the vehicle or parts thereof, or obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Article. (Ordinance 125 adopted 3/12/01)

Section 16.15 Right to enter on private property

When the town has contracted with or granted a permit to any person, the person shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Article. (Ordinance 125 adopted 3/12/01)

Section 16.16 Abatement of abandoned and nuisance vehicles.

(1) Abatement of Abandoned Vehicles:

(a) Whenever any motor vehicle is found to be an abandoned vehicle, a notice shall be posted on the windshield of the vehicle directing that the vehicle is to be removed from that location within 48 hours, not to include weekends or legal holidays, and shall direct that the failure to remove the vehicle from within the corporate limits of the town may result in the vehicle being removed by the town, or by a tow truck operator on behalf of the town.

(b) If the abandoned vehicle is not removed within 48 hours, not to include weekends or legal holidays, from date of posting the notice, the abandoned vehicle may be removed and disposed of by a tow truck operator on behalf of the town, with all costs of towing and storage to be collected from the property owner, vehicle owner or lien holder retrieving the vehicle, or from the sale or disposition of the vehicle, as otherwise provided by law. If the abandoned vehicle is

found again at another location within the corporate limits of the town after the initial posting of notice, the vehicle may be removed by the town, or by a tow truck operator on behalf of the town, without further notice being required.

(c) In addition to the notice to be placed upon the windshield of the abandoned vehicle, as provided above, notice shall also be provided within ten days of the date the vehicle was removed, to the registered owner of the abandoned vehicle and any registered lien holders (if such owner and/or lien holders can be reasonably determined), at the address reflected by the records of the Louisiana Office of Motor Vehicles, by certified U.S. Mail, or by personal service through town police personnel. If service by certified mail or personal service is unsuccessful, publication of the notice of the removal one time in the official journal of the town shall be deemed sufficient.

(2) Abatement of Nuisance Vehicles:

(a) Whenever any motor vehicle is found to be a nuisance vehicle, a notice shall be posted on the windshield of the vehicle directing that the vehicle is to be removed within fifteen days, not to include weekends or legal holidays, and shall direct that the failure to remove the vehicle from within the corporate limits of the town may result in the vehicle being removed by the town, or by a tow truck operator on behalf of the town.

(b) If the nuisance vehicle is not removed within fifteen days, not to include weekends or legal holidays, from date of posting the notice, the nuisance vehicle may be removed and disposed of by a tow truck operator on behalf of the town, with all costs of towing and storage to be collected from the property owner, vehicle owner or lien holder retrieving the vehicle, or from the sale or disposition of the vehicle, as otherwise provided by law. If the nuisance vehicle is found again at another location within the corporate limits of the town after the initial posting of notice, the vehicle may be removed by the town, or by a tow truck operator on behalf of the town, without further notice being required.

(c) In addition to the notice to be placed upon the windshield of the nuisance vehicle, as provided above, notice shall also be provided to the property owner at the address reflected on the most recent tax roll (if such owner can be reasonably determined) or registered owner of the motor vehicle and any registered lien holders (if such owner and/or lien holders can be reasonably determined) at the address reflected by the records of the Louisiana Office of Motor Vehicles, by certified U.S. Mail or by personal service through town police personnel. If service by certified mail or personal service is unsuccessful, publication one time in the official journal of the town shall be deemed sufficient.

Section 16.16.1 Request for hearing

Any person receiving notice that he is in violation of the requirements of Section 16.16(2) of this Chapter may request in writing a hearing directed to the Livonia Town Council, within the fifteen (15) day period after receipt of notice. The written request for a hearing must be received by the Town Clerk within the 15 day time period to show cause at a meeting of the council, why the vehicle should not be considered a nuisance.
(Ordinance 125 adopted 3/12/01)

Section 16.17 Failure or refusal to comply

The failure or refusal to comply with this Article or to request a hearing in writing shall constitute a misdemeanor, and the violator shall be subject to a fine of up to five hundred (\$500) dollars, sixty (60) days imprisonment, or both for each violation.
(Ordinance 125 adopted 3/12/01)

Section 16.18 Removal of vehicles from private property

Private property owners, whether commercial or residential, have the power, as authorized by general law, to cause vehicles to be removed from their property illegally situated thereon. If any case where a private property owner requests any law enforcement agency having jurisdiction, to cause to be removed from private property a vehicle said by the private property owner to be illegally situated on his private property, such law enforcement agency shall be authorized and empowered to cause the vehicle to be removed by wrecker service in accordance with established policies and procedures for obtaining of wrecker services by law enforcement agencies in the town.
(Ordinance 125 adopted 3/12/01)

Said Ordinance having been introduced on August 14, 2017, by James Bergeron, notice of public hearing have been published, said public hearing having been held, the title having been read and the Ordinance considered, a motion was made by James Bergeron and seconded by Greg Jarreau, to adopt the Ordinance. A record vote was taken and the following results were had:

YEAS:	Bergeron, G. Jarreau, T. Jarreau, LeBlanc, Pourciau
NAYS:	None
ABSENT:	None
ABSTAIN:	None

Whereupon, the Ordinance was declared adopted on this 11th day of September, 2017.

ATTEST and delivered to the Mayor
September 12, 2017

Donna Bergeron, MMC
Town Clerk, Livonia, Louisiana

APPROVED and delivered to the Clerk
September 12, 2017

Rhett Pourciau, MAYOR
Town of Livonia, Louisiana

Published in official journal on September 14, 2017.

ORDINANCE NO. 2019-254
AMENDING CHAPTER 16 – MOTOR VEHICLES AND TRAFFIC
SECTION 16.8 USE OF GOLF CARTS AND SLOW-MOVING VEHICLES

Sec. 16.8. - Use of golf carts and slow-moving vehicles.

(a) *Statement of need and purpose.*

- (1) The purpose of this article shall be to establish a golf cart ordinance within the town to promote the health, safety, and welfare of persons operating carts within the town and to protect the safety of their passengers and other users of roads.
- (2) The establishment of a golf cart ordinance is necessary to address the interests of public safety. Golf carts are not designed or manufactured to be used on public streets, roads and highways, hereinafter "roads," and the town in no way advocates or endorses their operation on roads. The adoption of this article is not to be relied upon as a determination that operation on roads is safe or advisable if done in accordance with this article. All persons who operate or ride upon carts on the roads do so at their own risk and peril and must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. Any person who operates a cart must procure liability insurance sufficient to cover the risks involved in using a cart on the roads on the town.

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

DOTD means the department of transportation and development.

Driver means every person who drives or physically controls a golf cart or slow-moving vehicle as defined herein.

Golf cart means an electric motorized pleasure vehicles capable of traveling a maximum speed of not more than 25 miles per hour on a straight and level surface.

Highway means the entire width between the boundary lines of every way or place of whatever nature publicly maintained and open to the use of the public for the purpose of vehicular travel, including bridges, causeways, tunnels, and ferries; synonymous with the term "street".

Local municipal authority means every council, commission, or other board given authority by the constitution and laws of the state to govern the affairs of the municipality.

Municipality means an incorporated village, town or city created under the authority of the constitution or laws of this state.

Operator means every person, who drives or is in actual physical control of a motor vehicle upon a highway or who is exercising control over or steering a vehicle being towed by a motor vehicle.

Owner means a person who holds a legal title to a golf cart or slow-moving vehicle or, in the event of such, are the subject of an agreement for the conditional sale, lease, or transfer of possession thereof with the right of purchase upon the performance of the conditions stated in the agreement, with the right of immediate possession in the vendee, lessee, possessor, or in the event such similar transaction is had by means of mortgage and the mortgagor of a vehicle is entitled to possession, then the conditional vendee, lessee, possessor, or mortgagor shall be deemed the owner for the purposes of this article.

Police officer means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Private road or driveway means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Right-of-way means the privilege of the immediate use of the highway.

Roadway means that portion of a highway improved, designed, or ordinarily used for vehicular traffic, exclusive of the shoulder. A divided highway has two or more roadways.

Shoulder means the portion of the highway contiguous with the roadway for accommodation of stopped vehicles, for emergency use, pedestrian use, mobility aid use or bicyclists when other accommodations are not available, and for lateral support of base and surface

Sidewalk means that portion of a highway between the curb lines, or the lateral lines of highway, and the adjacent property lines, intended for the use of pedestrians.

Slow moving vehicle means a "low speed vehicle" as defined in R.S. 32:1(40) which is a four-wheeled, electric-powered vehicle with a maximum speed of not less than 20 miles per hour but not more than 25 miles per hour and is equipped with the minimum motor vehicle equipment appropriate for vehicle safety as required in 49 CFR 571.500.

State maintained highway means any highway in the state which is contained in the state highway system as defined by law or which is maintained by the department.

Street means the entire width between the boundary lines of every way or place of whatever nature publicly maintained and open to the use of the public for the purpose of vehicular travel, including bridges, causeways, tunnels, and ferries; synonymous with the term "highway."

Traffic means pedestrians, vehicles, and other conveyances either singly or together while using any highway for purposes of travel.

Traffic control device means all signs, signals, markings, and devices, not inconsistent with this article, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

Traffic control signal means a type of highway traffic signal, manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

Vehicle means every device by which persons or things may be transported upon a public highway or bridge, except devices moved by human power or used exclusively upon stationary rails or tracks. A bicycle or a ridden animal shall be a vehicle, and a trailer or semitrailer shall be a separate vehicle.

(c) *Rules and regulations.*

- (1) This article allows for the operation of golf carts, as defined herein, on public streets, roads, pathways within the jurisdiction of the town and on designated future highway crossings, to be determined, as may be authorized by any statute, rule or regulation enacted by the legislature of the state or the DOTD.
- (2) This article pertains to golf carts as defined herein. This article does not pertain to the operation of lawn mowers, tractors, four-wheelers, ATV's or any other conveyance, other than those described herein.
- (3) Golf carts are not generally designed to be operated and used on public streets, roads, paths, or highways. The town by adopting this article does not endorse nor advocate the use of golf carts on the public streets, road, paths, or highways within its jurisdiction.
- (4) By adopting this article, the town is merely providing for the regulation and permitting of the operation of such vehicles by addressing public safety issues and concerns. All operators and passengers of golf carts which operate within the jurisdiction of the town do so at their own risk and peril.
- (5) This article does not imply that operation of these vehicles on said streets, roads, paths, and highways, is safe or advisable, even if done so in compliance with this article. All operators of

golf carts and their passengers must be observant of and attentive to the safety of themselves, motorists, pedestrians, bicyclists, and the personal and real property of others.

- (6) The town shall bear no liability whatsoever under any theory of liability for permitting the operation of golf carts on streets, roads, paths, or highways, under its jurisdiction as allowed by state statutes and/or special legislation enacted by the state legislature, but governed by this article.
- (7) Any person or persons, driving, operating or riding in or upon golf carts or slow moving vehicles on the streets, roads, paths, or designated highway crossings under the jurisdiction of the town does so at his own risk and peril, and must drive, operate and use said vehicles with due regard for the safety and convenience of other motor vehicles, bicyclist, and pedestrians.
- (8) The golf cart or slow-moving vehicle owner and registrant must sign a release from liability for the town which is as follows:

The undersigned owner and registrant hereby agrees to indemnify, defend, and hold the town, its officers, agents, servants, employees, assistants, legal representatives and their heirs, executives, executors, administrators, and assigns, completely harmless from and against any and all liabilities, losses, suits, claims, judgments, fines, or demands arising by reason of injury or death of any person or damage to any property, including all reasonable costs of investigation and defense thereof, including, but not limited to, attorney fees, court costs, and expert fees, of any nature whatsoever arising out of an incident to the acts or omissions of the owner and registrant, its officers, agents, employees, contractors, subcontractors, subleases, licensees, invitees, or any third persons in the use of the owner's and registrant's golf cart or slow-moving vehicle, regardless of where the injury, death or damage may occur.

- (9) Golf carts and slow-moving vehicles may only be operated on streets, roads, paths, and designated highway paths within the town in accordance with the following and regulations of this article.
- (10) Before golf carts or slow-moving vehicles can be operated on the designated streets, roads, pathways, or highways within the jurisdiction of the town, the owner thereof must purchase and maintain liability insurance in at least the minimum amount required by the state for a licensed motor vehicle which said vehicles. Proof of insurance must be provided to the town at the time of application for a permit to operate vehicles.
- (11) Any person who drives, operates or uses a golf cart or slow-moving vehicle in the town, including passengers therein or thereon, takes full responsibility for all liability associated with the operation of said vehicles. Any person who rides or sits as a passenger on a golf cart or slow-moving vehicle in the town takes full responsibility for all liability associated with such activity.
- (12) Any person that drives or operates a golf cart or slow-moving vehicle on the streets, roads, pathways, or designated highway paths within the town jurisdiction shall hold a valid driver's license issued by state DOTD, and said operator shall have this driver's license on their person at all times while driving or operating said vehicles.
- (13) Golf carts and slow-moving vehicles may be operated only during daylight hours, between sunrise and sunset.
- (14) Golf carts and slow-moving vehicles are not allowed to travel upon state highways or in their rights-of-way or on the following roads:
 - a. Newfield Drive
 - b. Northfield Drive
 - c. Westfield Drive
 - d. Richfield Drive

- (15) Golf carts and slow-moving vehicles may not be operated during inclement weather, including weather in which visibility is reduced or impaired by rain, snow, fog, or other conditions, nor at any time when there is insufficient light to clearly see a person or another vehicle upon the roadway at a distance of 500 feet.
 - (16) Any person who operates a golf cart or slow-moving vehicle within the town jurisdiction must adhere to all municipal, parish and state traffic laws, and all other laws, governing the use of, or the possession of, alcoholic beverages and controlled substances.
 - (17) Drivers and operators of golf carts must yield the right-of-way to pedestrians and overtaking vehicles at all times.
 - (18) All passengers, including children, must be properly seated while the golf cart or slow-moving vehicle is in motion and shall not be transported in a negligent manner. No children under the age of six are permitted on golf carts or slow moving vehicles. The maximum number of persons on a golf cart or slow-moving vehicle shall be two persons per seat.
 - (19) Golf carts nor slow moving vehicles shall not be allowed to operate on any town sidewalks.
- (d) *Required equipment.*
- (1) Golf carts must be equipped with a rear vision mirror on the exterior of the driver's side, and a mirror on the passenger side or an interior mirror capable of providing the operator with a 100 feet clear rear sight picture, and must be equipped with front and rear turn signals, headlights, and brake lights.
 - (2) Slow moving vehicles must be equipped with the minimum motor vehicle equipment appropriate for vehicle safety as required in 49 CFR 571.500.
- (e) *Permit, application, and revocation.*
- (1) All golf carts and slow-moving vehicles operated within the jurisdiction of the town must display, on the left side of the windshield a valid "permit of operation" sticker issued by the town police department.
 - (2) The non-refundable annual fee for said **sticker shall not exceed \$75.00 per vehicle**, and said fee will be used for implementation and maintenance of this privilege. The permit must be renewed annually. The chief of police or his designee shall have the right to refuse to issue and/or revoke any permit sticker and may remove said sticker from any golf cart and slow-moving vehicle at any time and for any reason that he feels it appropriate to ensure the safety and well-being of the citizens, and the motoring or pedestrian traffic, of the town.
 - (3) Permit application form. The application form shall include the full name, address, and telephone number of the applicant; the applicant's date of birth; the applicant's driver's license information to include state of issuance and the driver's license number (a photocopy of the applicant's driver's license shall be attached to the application form); the name of the applicant's insurance company and the applicant's insurance policy number, along with the date of expiration of said policy; the date of the application; and the applicants signature attesting to his reading and understanding and complying of the ordinances enacted town ordinance regulating and permitting the operation and use of golf carts or slow moving vehicles within the town.
 - (4) Any "permit of operation" may be revoked by the chief of police or their designee if there is any evidence of material misrepresentation made in the permit application, if liability insurance has been revoked, suspended, expired, or is no longer in effect, or if there is any evidence that the permitted cannot safely operate a golf carts and slow-moving vehicles.
 - (5) A permit shall be revoked by the chief of police or his designee if it is found that the operator's, or any person that the operator allows to operate said vehicle, driver's license has been suspended, revoked, or has expired.
 - (6) The chief of police or his designee shall issue a "notice of revocation" in the event that a permit is revoked and shall hand deliver said revocation notice to the permit holder, or the

chief of police may send said notice by certified mail to the address of the applicant. The revocation shall be effective immediately upon hand delivery or three days after mailing by certified mail.

- (7) Any person who violates any section or part of this article, or fails to comply with any section or part of this article, shall be held responsible for an infraction and shall be required to pay a penalty in the amount of \$200.00.

Said Ordinance having been introduced on June 10, 2019, by James Bergeron, notice of public hearing have been published, said public hearing having been held, the title having been read and the Ordinance considered, a motion was made by Greg Jarreau and seconded by Terry Jarreau, to adopt the Ordinance. A record vote was taken and the following results were had:

YEAS:	G. Jarreau, T. Jarreau, LeBlanc, Pourciau
NAYS:	None
ABSENT:	Bergeron
ABSTAIN:	None

Whereupon, the Ordinance was declared adopted on this 8th day of July 2019.

ATTEST and delivered to the Mayor
July 9, 2019
Donna Bergeron, MMC
Town Clerk, Livonia, Louisiana

APPROVED and delivered to the Clerk
July 9, 2019
Rhett Pourciau, Mayor
Town of Livonia, Louisiana

Published in official journal on July 11, 2019.

ORDINANCE NO. 2021-262

AMENDING SECTION 16 ARTICLE A OF THE CODE OF ORDINANCES RELATIVE TO MOTOR VEHICLES AND TRAFFIC ENFORCEMENT

BE IT ORDAINED by the Town Council of the Town of Livonia, Louisiana, that Section 16 Article A of the Code of Ordinances of the Town of Livonia, Louisiana, hereby amends current traffic enforcement ordinances; electronic enforcement, speed limit enforcement, traffic signal enforcement, and traffic signage enforcement sections to read as follows:

ARTICLE A.1

An ordinance as amended of the Town of Livonia Council Members hereby adopt and authorize the Town of Livonia Police Chief to administer

Electronic/Photographic Enforcement, Speed Limit Enforcement, and Traffic Signage Enforcement and to provide for the enforcement of certain traffic signal, traffic signage, and speed violations by automated/photographic means and provide for civil penalties for traffic violations enforced by automated/photographic means.

WHEREAS, the Town of Livonia Council Members finds there has been a high incidence of drivers violating the speed limit, traffic signal, and traffic sign laws, within the Town of Livonia; and

WHEREAS, the Town of Livonia Council Members finds that violating these traffic laws endangers motor vehicle operators and pedestrians alike; and,

WHEREAS, the Livonia Town Council Members finds a reduction in violations of the speed limit, traffic signal, and traffic signs through a program utilizing electronic measurement and photographic evidence and enforcement through the imposition of civil penalties will help promote and protect the health, safety, and welfare of the citizens of the Town of Livonia and,

WHEREAS, the Town of Livonia, operating under the powers granted to it by the Lawrason Act. has the power and authority to establish a program of enforcement of posted speed limit, traffic signals, and traffic signage laws by the use of electronic measurement and photographic evidence and the imposition of civil penalties.

IT IS HEREBY ORDAINED BY THE COUNCIL MEMBERS OF THE TOWN OF LIVONIA

The current Municipal Code relative to MOTOR VEHICLES AND TRAFFIC is hereby amended by adding thereto.

ELECTRONIC ENFORCEMENT,

Section 16.9, SPEED LIMIT ENFORCEMENT,

Section 16.10, TRAFFIC SIGNAL and TRAFFIC SIGNAGE ENFORCEMENT to read as follows:

SECTION 16.9 -SPEED LIMIT ENFORCEMENT

Sec. 16.9A: Definitions.

The following definitions shall apply: (1) Owner shall mean the owner of a motor vehicle as shown on the motor vehicle registration records of the Louisiana Department of Public Safety, Office of Motor Vehicles, or the analogous department or agency of another state or country.

(2) *Electronic/Photographic Speed Limit Enforcement System or System* shall mean a system that:

- a) Consists of a system for electronically measuring the speed of a motor vehicle; either in an Officer operated mode or unmanned mode; and
- b) Includes a still camera system *and/or* full-motion video camera system. The full-motion video camera system shall be capable of recording 30 frames per second or greater; and
- c) Clearly capture the license plate of the subject vehicle.

Sec. 16.9B: Imposition of civil penalty for violations enforced by

Electronic/Photographic Speed Limit Enforcement System.

The Town of Livonia Council Members finds and determines that vehicles traveling in excess of the posted speed limits damage the public safety by endangering motor vehicle operators and pedestrians alike, by decreasing the efficiency of traffic control and traffic flow efforts, and by increasing the number of serious traffic crashes to which public safety agencies must respond at the expense of the taxpayers.

- a) Except as provided in (b) and (c) below, the Owner of a motor vehicle is liable for a civil penalty of **\$60.00** if the motor vehicle proceeds at a rate of speed of **11-15** miles per hour in excess of the posted limit or limit set by law, and shall increase in increments of **\$20.00** for every 5 miles per hour over the prescribed limit as indicated in the chart below.
- b) For a violation occurring in a roadway when a School Zone is in operation the civil penalty shall be double the amount as set in Sec.50.101.A.a) above.
- c) An Owner who fails to timely pay a civil penalty shall be subject to an additional late payment penalty of \$50.00 in addition to the original violation penalty.
- d) At the time of the violation, the vehicle was in the care, custody, or control of another person:
 - 1. As set forth in the owner's written statement identifying the name and correct mailing address of the person or entity who had the care, custody, and control of the vehicle at the time of the violation.
 - 2. As set forth in a document, or "Nomination," signed and dated by the person, or a representative of the entity, who had the care, custody, and control of the vehicle at the time of the violation, indicating his/her responsibility for the violation and listing his/her name and mailing address. Responsibility for the violation shall in such a case be transferred to the person identified in the " Nomination."

3. The tender of a statement of "Nomination" shall be for the sole purpose of identifying the person who is assuming responsibility for the violation identified in the notice of civil violation, but all defenses that may be asserted by the person alleged to be responsible are reserved and are not waived by the tender of such document.
4. As set forth in a lease, rental contract, or other agreement listing the name and mailing address of the person or entity who had the care, custody, or control of the leased or rented vehicle at the time of the violation. Responsibility for the violation shall in such a case be transferred to the lessee.

Section 16.10A: Photographic Traffic Signal and Signage Enforcement System means a system that:

- a) Consists of a still camera system and/or a full-motion video camera system capable of recording 30 frames per second or greater which is installed to work in conjunction with an electrically operated traffic control signal.
- b) Is capable of producing at least three separate Recorded Images 1} An image of the vehicle prior to entering the intersection on a red signal (Scene A); 2) An image of the vehicle in or through the intersection when the red signal is visible or proceeding into an intersection controlled by a STOP SIGN or FLASHING OR CONTINUOUS RED LIGHT without executing a complete stop at the designated "stop bar" (Scene B); and 3) An image of the vehicle showing the license plate;
- c) All images must be synchronized to a single time source and provide the elapsed time between the first and second photographs or digital images specified in paragraph
- d) Is capable of producing at least three (3) recorded images:
 - 1) Depicting the vehicle prior to entering the intersection on a red signal (Scene A)
 - 2) An image of the vehicle in or through the intersection with the red signal visible;(Scene B)
 - 3) An image of the vehicle showing the license plate;
- e) All images must be synchronized to a single time source and provide the elapsed time between the first image (Scene A), and second (Scene B) or digital images specified in (b) above.

For purposes of Division 2 the following definitions shall apply:

- 1) Recorded *Image* means an image recorded by a photographic traffic monitoring system depicting the motor vehicle and is automatically recorded as a photograph or digital image.
- 2) System *Location* means the approach to an intersection where an Electronic/Photographic Speed Limit and/or Red Light and/or Traffic Signage Enforcement System is directed and in operation.
- 3) *Intersection* shall mean a location or area where two (2) or more streets intersect.
- 4) Traffic *Control Signal* shall mean a traffic control device displaying alternating red, amber, and green lights directing traffic when to stop at or proceed through an intersection.
- 5) Traffic Signage shall mean a visible Stop Sign

Sec. 16.10B: Imposition of civil penalty for violations enforced by

Electronic/Photographic Traffic Signal (Red light) and Traffic Signage (Stop Sign and/or Steady or Flashing Red light) Enforcement System.

a) The Town of Livonia Council Members finds and determines vehicles disobeying traffic control signals (Traffic Lights) and Traffic control signs (Stop Signs) damage the public by endangering motor vehicle operators and pedestrians alike, by decreasing the efficiency of traffic control and traffic flow efforts, and by increasing the number of serious traffic crashes to which public safety agencies must respond at the expense of the taxpayer.

b) Except as provided in (c) and (d) below, the Owner of a motor vehicle is liable for a civil penalty of \$100.00 if the vehicle's front tire proceeds past the trailing edge of an installed stop bar of a signalized approach when the Traffic Control Signal for the vehicle's direction of travel is emitting a steady RED indication or if the vehicle's front tire proceeds past the trailing edge of an installed stop bar without executing a COMPLETE STOP prior to the indicated stop bar at an intersection approach controlled by a STOP SIGN or FLASHING RED LIGHT.

c) An Owner who fails to timely pay a civil penalty shall be subject to an additional late payment penalty of \$50.00 in addition to the original violation penalty.

d) At the time of the violation, the vehicle was in the care, custody, or control of another person:

1. As set forth in the owner's written statement identifying the name and correct mailing address of the person or entity who had the care, custody, and control of the vehicle at the time of the violation.
2. As set forth in a document, or "Nomination," signed and dated by the person, or a representative of the entity, who had the care, custody, and control of the vehicle at the time of the violation, indicating his/her responsibility for the violation and listing his/her name and mailing address. Responsibility for the violation shall in such a case be transferred to the person identified in the "Nomination."
3. The tender of a statement of "Nomination" shall be for the sole purpose of identifying the person who is assuming responsibility for the violation identified in the notice of civil violation, but all defenses that may be asserted by the person alleged to be responsible are reserved and are not waived by the tender of such document.
4. As set forth in a lease, rental contract, or other agreement listing the name and mailing address of the person or entity who had the care, custody, or control of the leased or rented vehicle at the time of the violation. Responsibility for the violation shall in such a case be transferred to the lessee.

Sec.16.10C: Enforcement; procedures.

a) The Livonia Police Department is responsible for the enforcement and administration of this ordinance. The Livonia Police Department may utilize a contractor to assist with the gathering of photographic and electronic evidence of violations for the Livonia Police Department to be used as

evidence in order for a Livonia Police Officer to determine if a violation notice is to be issued. The Livonia Police Department may set minimum parameters for the Contractor to apply to potential violations that are transmitted for Police examination and final disposition as an issued notice or rejected notice. The decision to issue or not issue the notice of violation rests entirely with the Livonia Police Department

If the Livonia Police Department uses a contractor for any portion of the enforcement or administration of this ordinance, then the contractor shall meet the following minimum criteria :

(l) The contractor selected by the Livonia Police Department must be able to demonstrate 5 years of continuous operations of similar digital photo enforcement programs in municipalities in the United States;

(2) must have 3 years of audited financials that show sufficient financial resources to provide the contractual equipment and services; and

b) The actions which can be used to enforce the payment of this civil penalty and related fees may consist of but not be limited to immobilization of vehicles (booting), reporting the debt to collection agencies/credit reporting agencies, initiating actions through the small claims court, and/or submitting required documentation to LA DEPARTMENT OF MOTOR VEHICLES that would lead to Vehicle Registration holds or other authorized process leading to the enforcement of payment of the civil penalty arising from violations governed by this ordinance. Any STATE, LOCAL, or JUDICIAL action that renders any of the payment enforcement of this paragraph void or otherwise unenforceable shall apply only to those payment enforcement measures included in the action. Other delinquent collection remedies noted in this paragraph will retain full authority of enforcement.

c) In order to impose a civil penalty under this article, the Livonia Police Department shall mail, or direct a contractor to mail, via First Class USP mail, a Notice of Violation that was issued by a Law Enforcement Officer to the Owner of the motor vehicle identified in the Notice of Violation not later than the 30th calendar day, inclusive of legal holidays and weekends, after the date the violation is alleged to have occurred.

d) A Notice of Violation issued under this article shall contain the following:

(1) A description of the violation alleged;

(2) The date, time, and location of the violation;

(3) A copy of a recorded image of the vehicle involved in the violation;

(4) The amount of the civil penalty to be imposed for the violation;

(5) The date by which the civil penalty must be paid;

(6) A statement the person named in the notice of violation may pay the civil penalty in lieu of appearing at an administrative adjudication hearing.

(7) Information informing the person named in the notice of violation:

a). Of the right to contest the imposition of the civil penalty in an administrative adjudication hearing or Mayor's Court

- b.) Of the manner and time in which to contest the imposition of the civil penalty;
- c.) Failure to pay the civil penalty or to contest liability is a waiver of the right to appeal under Section 9J.:KB.
- (8) A statement that a recorded image is evidence in a proceeding for the imposition of a civil penalty;
- (9) A statement indicating failure to pay the civil penalty within the time allowed shall result in the imposition of an additional late penalty of \$50.00 for each violation; and
- (10) Any other information deemed necessary by the Department.
- (e) A notice of violation under this article is presumed to have been received on the tenth 10'h calendar day inclusive of weekends and legal holidays after the date the notice of violation is mailed.
- (f) Once a portion of any roadway has been equipped with any Photo Enforcement System, the Livonia Police Department shall begin issuing warning notices of the alleged violations as part of an education/ public notification effort for thirty (30) days. After this warning period, the Livonia Police Department shall begin issuing the civil citations. No additional warning periods shall be issued by the Livonia Police Department.

Sec. 16.10D: Administrative adjudication hearing.

- (a) A person who receives a notice of violation may contest the imposition of the civil penalty by a request in writing for an administrative adjudication of the civil penalty within thirty (30) calendar days inclusive of weekends and legal holidays after receipt of the notice of violation. Upon receipt of a timely request, the Livonia Police Department shall notify the person of the date and time of the administrative adjudication hearing.
- (b) Failure to pay a civil penalty or to contest liability in a timely manner is a waiver of the right to appeal under Section: 9J.1C.B(h)
- (c) The civil penalty shall not be assessed if, after a hearing, the hearing officer enters a finding of no liability.
- (d) In an administrative adjudication hearing, the issues must be proved at the hearing by a preponderance of the evidence. The reliability of the System used to produce the recorded image of the violation may be attested to in an administrative adjudication hearing by affidavit of an officer or the Department.

An affidavit from a sworn law enforcement officer or from the Department that alleges a violation based on an inspection of the pertinent recorded image is admissible in a proceeding under this article and is evidence of the facts contained in the affidavit.

- (e) A person who is found liable after an administrative adjudication hearing or who requests an administrative adjudication hearing and thereafter fails to appear at the time and place of the hearing shall be adjudicated in violation of this ordinance and subject to the original fine, applicable late fees, PLUS a \$30 Administrative Adjudication Fee. A person found NOT LIABLE after an administrative adjudication hearing SHALL NOT be charged the original fine, late fee, or administrative adjudication fee.

(f) It shall be an affirmative defense to the imposition of civil liability under this article to be proven by a preponderance of the evidence, that:

- 1) A traffic control sign stating the posted limit or an ordinance establishing a speed limit was not in proper position and sufficiently legible to an ordinarily observant person;
- 2) The operator of the motor vehicle was acting in compliance with the lawful order or direction of a law enforcement or public safety officer;
- 3) The operator of the motor vehicle violated the instructions of the traffic control sign so as to yield the right-of-way to an immediately approaching authorized emergency vehicle;
- 4) The motor vehicle was being operated as an authorized emergency vehicle under La. R.S. 32:24, and the operator was acting in compliance with La R.S.32:24;
- 5) The motor vehicle was being operated by a person other than the Owner of the vehicle without the effective consent of the Owner;
- 6) The license plate depicted in the recorded image of the violation was a stolen plate and being displayed on a motor vehicle other than the motor vehicle for which the plate had been issued;
- 7) The presence of ice, snow, unusual amounts of rain, or other unusually hazardous road conditions existed that would make compliance with this article more dangerous under the circumstances than noncompliance;
- 8) The person who received the notice of violation was not the Owner of the motor vehicle at the time of the violation; or
- 9) At the time of the violation the motor vehicle was a stolen vehicle or the license plate displayed on the motor vehicle was a stolen plate, which must include proof acceptable to the hearing officer that the theft of the vehicle or license plate had been timely reported to the appropriate law enforcement agency.

(g) Notwithstanding anything in this article to the contrary, a person who fails to pay the amount of a civil penalty or to contest liability in a timely manner is entitled to an administrative adjudication hearing on the violation if:

- 1) The person files an affidavit with the hearing officer stating the date on which the person received the notice of violation mailed to the person; and
- 2) The person files a request for an administrative hearing within thirty (30) days from the date of receipt of the notice of violation, as stated in the affidavit.

(h) The decision of the hearing officer shall be the final decision by Livonia Town Government. A person or persons aggrieved by a decision may file a petition for judicial review to the Magistrate Court of the Town of Livonia, within thirty (30) days after the date of entry of the decision.

Sec. 16.10E: Order of Hearing Officer.

(a) The Hearing Officer at any administrative adjudication hearing under this article shall issue an order stating:

- (1) Whether the person charged with the violation is liable for the violation;
- (2) The amount of any civil penalty, late penalty, and administrative adjudication cost assessed against the person.
- (b) The orders issued under Subsection (a) may be filed with the office of the hearing examiner. The hearing examiner shall keep the orders in a separate index and file. The orders may be recorded using microfilm, microfiche, or other physical or electronic data processing techniques.

Sec.16.10F: Effect of liability; exclusion of civil remedy.

- (a) The imposition of a civil penalty under this article shall not be considered a criminal conviction.
- (b) A civil penalty may not be imposed under this article upon the owner of a motor vehicle if the operator of the vehicle was arrested or was issued a citation and notice to appear by a law or public safety officer as a violation of the motor vehicle laws of Louisiana or the Town of Livonia if such violation was captured by the System.
- (c) The Town of Livonia Attorney is authorized to file suit to enforce collection of unpaid fines and/or related fees and penalties imposed hereunder by lawful means to secure such payments.

Sec. 16.10G: General Fund – Photo Enforcement Fines.

The penalties, fines, and fees collected from the imposition of civil Liability under this article shall be deposited into the General Fund listed as Photo Enforcment Fines.

Civil fine proceeds deposited into this General Fund – Photo Enforcement Fines shall be expended first for the costs of the System (payment to the vendor/operator of the System, public relations, and general implementation of the program).

SECTION 2. If any provision of this ordinance is held to be invalid or otherwise unenforceable by the final judgment of a court of competent jurisdiction such invalidity shall not affect the validity of any of the remaining provisions of this ordinance that may be given effect without the invalid provision, and to this end, the provisions of this ordinance are hereby declared to be severable.

SECTION3.All ordinances or parts of ordinances of the Town of Livonia in conflict with this ordinance and all Sections in the Livonia Municipal Code in conflict with this ordinance are hereby repealed.

Speed Enforcement Civil Fines Chart:

11-15 in excess of posted speed	16-20 in excess of posted speed	21-25 in excess of posted speed	More than 26 MPH In excess of posted speed
\$60.00*	\$80.00*	\$100.00*	\$120.00*

* Note that violations occurring in operational school zones shall be double the amounts shown. Late payment fees may be assessed in addition to Civil Fines.

Said amended Ordinance having been introduced on April 12, 2021, by Greg Jarreau, notice of public hearing have been published, said public hearing having been held, the title having been read and the Ordinance considered, a motion was made by Ron LeBlanc and seconded by Henry Watson, to adopt the Ordinance. A record vote was taken and the following results were had:

YEAS:	G. Jarreau, T. Jarreau, LeBlanc, Watson
NAYS:	None
ABSENT:	Pourciau
ABSTAIN:	None

Whereupon, the Ordinance was declared adopted on this 10th day of May, 2021.

ATTEST and delivered to the Mayor
Donna Bergeron, MMC
Town Clerk, Livonia, Louisiana

APPROVED and delivered to the Clerk
Rhett Pourciau, MAYOR
Town of Livonia, Louisiana

Published in official journal May 20, 2021.

ORDINANCE NO. 2022-249

AMENDING SECTION 16 ARTICLE A OF THE CODE OF ORDINANCES RELATIVE TO MOTOR VEHICLES AND TRAFFIC ENFORCEMENT

BE IT ORDAINED by the Town Council of the Town of Livonia, Louisiana, that Section 16.9A(b), 16.9B(a), and 16.10G Fines Chart of the Code of Ordinances of the Town of Livonia, Louisiana, hereby amends current traffic enforcement ordinance; definitions, imposition of civil penalty for violations enforced by, and general fund – photo enforcement fines sections to read as follows:

Sec. 16.9A: Definitions.

b) Includes an officer operated handheld LIDAR device, still camera system, *and/or* full-motion video camera system. The full-motion video camera system shall be capable of recording 30 frames per second or greater; and

Sec. 16.9B (b): Imposition of civil penalty for violations enforced by

- a) Except as provided in (b) and (c) below, the Owner of a motor vehicle is liable for a civil penalty of **\$80.00** if the motor vehicle proceeds at a rate of speed of **11-15** miles per hour in excess of the posted limit or limit set by law, and shall increase in increments of **\$20.00** for every 5 miles per hour over the prescribed limit as indicated in the chart below.

Sec. 16.10G: General Fund – Photo Enforcement Fines.

Speed Enforcement Civil Fines Chart:

11-15 in excess of posted speed	16-20 in excess of posted speed	21-25 in excess of posted speed	More than 26 MPH In excess of posted speed
\$80.00*	\$100.00*	\$120.00*	\$140.00*

* Note that violations occurring in operational school zones shall be double the amounts shown. Late payment fees may be assessed in addition to Civil Fines.

Said amended Ordinance having been introduced on September 12, 2022, by Ron LeBlanc, notice of public hearing have been published, said public hearing having been held, the title having been read and the Ordinance considered, a motion was made by Ron LeBlanc and seconded by Greg Jarreau to adopt the Ordinance. A record vote was taken and the following results were had: YEAS: G. Jarreau, T. Jarreau, LeBlanc, Pourciau, Watson

NAYS: None ABSENT: None ABSTAIN: None

Whereupon, the Ordinance was declared adopted on this 10 th day of October, 2022.

ATTEST and delivered to the Mayor
October 11, 2022
Donna Bergeron, MMC
Town Clerk, Livonia, Louisiana

APPROVED and delivered to the Clerk
October 11, 2022
Rhett Pourciau, MAYOR
Town of Livonia, Louisiana

Published in official journal October 20, 2022.