

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 7140

ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: AIREY

PROVIDED BY: CIVIL DA OFFICE

INTRODUCED BY: MR. LORINO

SECONDED BY: MR. TOLEDANO

ON THE 3RD DAY OF NOVEMBER, 2022

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES, PART I – CODE OF ORDINANCES, CHAPTER 2 – ADMINISTRATION, ARTICLE XIV – CODE VIOLATIONS AND ADMINISTRATIVE ADJUDICATIONS, SECTION 2-562 – HEARING PRACTICE AND PROCEDURES, TO REMOVE REQUIREMENT OF NOTIFICATION BY TELEPHONE FOR NUMBERS LISTED IN PARISH PHONE DIRECTORY.

WHEREAS, the notification procedures for administrative hearings through the Bureau of Administrative Adjudication currently requires that code enforcement must attempt to notify persons cited for violations of Parish ordinances by telephone if they have a telephone number listed in the parish phone directory and enter proof of attempts of telephone notification into the record of the case; and

WHEREAS, a parish phone directory is no longer published on an annual basis, and based on the experience of code enforcement officers, most individuals cited for violations of the code do not have telephone landline and are not listed in older versions of the telephone directory available to attempt notification under Sec. 2-562; and

WHEREAS, Sec. 2-562 already provides more efficient and effective means to notify an alleged violator of a code violation, including notice by certified or registered mail and the physical posting of the property if the violation relates to immovable property; and

WHEREAS, it is inefficient and impractical to require code enforcement officers to continue to attempt telephone notification; and

WHEREAS, Sec. 2-562 should be amended to remove the obsolete practice of attempted notice by telephone and allow code enforcement to proceed with notice by certified or registered mail, as well as the physical posting of notice of the violation to the property.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS: that St. Tammany Parish Code of Ordinances, Part 1 – Code of Ordinances, Chapter 2 – Administration, Article XIV – Code Violations and Administrative Adjudications, Sec. 2-562 – Hearing Practice and Procedures, subsection (a), be amended as follows:

Section. 2-562. – Hearing practice and procedures.

- (a) Prior to holding an administrative hearing for any violation set forth herein, and any other ordinance violations that may be determined by the parish council, the parish agency or department having enforcement responsibility shall notify the property owner, if he is an alleged violator, or both the alleged violator and the owner of any property on which a violation is alleged, if the alleged violator is not the property owner, at least 15 days in advance of the date that such a hearing is scheduled. The notification shall state the time, date and location of the hearing, and state the alleged violations; and it shall be sent by certified or registered U.S. Mail to the owner or violator, or both, or personally served on the owner or violator, or both. The date of the postmark shall be deemed to be the date of delivery. Any notification so sent and returned by U.S. Post Office shall be considered as having fulfilled the notification requirement; ~~provided, that in the case of such a returned notice, if the person to be notified has a telephone number listed in the parish phone directory at least one attempt shall be made to notify him by telephone. Proof of notification and attempts at service and telephone notice shall be entered in the record of each case prior to the hearing.~~

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon final adoption.

MOVED FOR ADOPTION BY: _____, SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 1ST DAY OF DECEMBER, 2022; AND BECOMES ORDINANCE COUNCIL SERIES NO. 22-____.

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

KATRINA L. BUCKLEY, COUNCIL CLERK

MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: OCTOBER 26, 2022

Published Adoption: _____, 2022

Delivered to Parish President: _____, 2022 at _____

Returned to Council Clerk: _____, 2022 at _____