

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 7530

ORDINANCE COUNCIL SERIES NO. 24-

COUNCIL SPONSOR: IMPASTATO

PROVIDED BY: CIVIL DA

INTRODUCED BY: MR. IMPASTATO

SECONDED BY: MR. SMITH

ON THE 7TH DAY OF MARCH, 2024

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF ST. TAMMANY PARISH, LOUISIANA, PART I, CHAPTER 28 – OFFENSES AND MISCELLANEOUS PROCEDURES, BY ADDING ARTICLE XVII. TRANSITIONAL FACILITY, SECTIONS 28-497; DEFINITIONS, SEC. 28-498; APPLICATION REQUIREMENTS AND PERMIT APPROVAL, AND SEC. 28-499; PERMIT DENIAL TO ESTABLISH A COMPREHENSIVE ORDINANCE REGARDING TRANSITIONAL FACILITIES.

WHEREAS, it is in the best interests of the parish and its citizens to amend and add the above referenced article and sections to the St. Tammany Parish Code of Ordinances in order to promote the safety, morals and general welfare of the public and to provide the public with a comprehensive ordinance regarding transitional facilities; and

WHEREAS, Louisiana Revised Statutes 15:540 and the St. Tammany Parish Code of Ordinances, Part I, Chapter 28 – Offenses and Miscellaneous Provisions, Article XV. Registration of Sex Offenders, Section 28-475. Findings; purpose, provide, “The legislature has found that sex offenders, sexually violent predators and child predators often pose a high risk of engaging in sex offenses, and crimes against victims who are minors even after being released from incarceration or commitment and that protection of the public from sex offenders, sexually violent predators and child predators is of paramount governmental interest. The legislature has also found that local law enforcement officers efforts to protect their communities, conduct investigations, and quickly apprehend offenders who commit sex offenses and crimes against victims who are minors, are impaired by the lack of information available to law enforcement agencies about convicted sex offenders, sexually violent predators, and child predators who live within the agency's jurisdiction, and the penal and mental health components of our justice system are largely hidden from public view and that lack of information from either may result in failure of both systems to meet this paramount concern of public safety. Restrictive confidentiality and liability laws governing the release of information about sex offenders, sexually violent predators, and child predators have reduced willingness to release information that could be appropriately released under the public disclosure laws, and have increased risks to public safety. Persons found to have committed a sex offense or a crime against a victim who is a minor have a reduced expectation of privacy because of the public's interest in public safety and in the effective operation of government”; and

WHEREAS, there is a concentration of sex offenders, sexually violent predators, and child predators residing within St. Tammany Parish, the following parish wide regulations pertaining to transitional housing will further the governmental interests of public safety.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that, the Code of Ordinances of St. Tammany Parish, Louisiana, Part I, Chapter 28 – Offenses and Miscellaneous Provisions, is hereby amended by adding a new article and sections to be numbered as follows:

ARTICLE XVII: Transitional Facility

Sec. 28-497. Definitions.

As used in this article, the following words, terms and phrases shall have the meaning ascribed to them in this article, except when the context clearly indicates a different meaning.

Transitional Facility is a facility used to house registered (a) sex offenders, (b) sexually violent predators or (c) child predators, pursuant to La. R.S. 15:540 ("registered sex offender") and which may provide transitional support to registered sex offenders reentering society or providing housing for registered sex offenders in a group setting. Any residential or commercial use, apartment building, apartment hotel, dwelling, or residence, as defined by Sec. 130-5, with such registered sex offenders as residents is hereby considered a "transitional facility" when its resident population is equal to or exceeds fifteen percent (15%) of registered sex offenders. A transitional facility is subject to all of the requirements of Article XVII, the St. Tammany Parish Code of Ordinances, and other applicable state, local and federal laws.

Operator means the owner, operator, agent, representative, and/or approved applicant who owns or operates a transitional facility and must comply with the requirements of this article.

Sec. 28-498. Application Requirements and Permit Approval

- (a) In order to operate a transitional facility, an operator of such facility shall make an immediate application for a permit to operate the facility. It is unlawful to operate a transitional facility without a transitional facility permit. Failure to renew a transitional facility permit prior to its expiration date renders the expired permit immediately invalid.
- (b) More than one transitional facility may be located on the same property, in which case more than one transitional facility permit will be required (one permit for each transitional facility is required).
- (c) A site and floor plan that depicts a scaled diagram of the transitional facility shall be submitted with the transitional facility permit application that includes the number of occupants therein.
- (d) Thirty days prior to applying for a transitional facility permit, the operator shall (1) publish at least three times, in a paper of local circulation in St. Tammany Parish, notice that the operator will apply for a transitional facility permit and (2) place a sign in the front yard, readable from street view, alerting the public that a permit for a transitional facility will be sought.
- (e) The transitional facility shall be available at all times for inspection of the premises by the Department of Planning and Development and the Department of Permits and Inspections. The Department of Planning and Development shall conduct an inspection of the proposed transitional facility prior to the issuance or renewal of any permit for a transitional facility.
- (f) The owner shall retain and maintain general liability insurance in the amount of \$1,000,000, issued by an insurer duly licensed, and furnish a current insurance certificate as proof of insurance to the Department of Planning and Development as a part of the permit application.

- (g) The required permit fee shall be \$5000 annually beginning on or before the 15th day of May 2024 for each transitional facility for the purposes of monitoring and enforcing the provisions of this article. The annual permit fee for each transitional facility shall be included with the transitional facility permit application submission and due to the Parish of St. Tammany on May 1 of each year. An additional penalty of five percent per month shall accrue for each month the renewal permit fee is late, not to exceed 25 percent of the permit fee. In the event an attorney is employed to collect the annual permit fee and/or enforce any provisions of this article, the applicant shall pay a 25 percent attorney fee on the total amount of the permit fee, interest, penalty, and other fines determined to be due.
- (h) Transitional facilities now in existence and/or established in the future shall be surrounded by a privacy fence of no less than six feet (6’).
- (i) Each transitional facility shall have a person supervising the facility (“supervisor”), who is not a registered sex offender, who shall be on the premises twenty-four (24) hours, seven (7) days per week, to make face-to-face contact with each resident on a daily basis. The permit application shall contain the name and contact information of the designated supervisor, including phone number with area code and email address. The operator shall provide (1) a sworn affidavit certifying that the proposed supervisor has read and understood all of the minimum standards for transitional facilities as set forth in this article and that the supervisor shall through the duration of the permitting term be in compliance therewith and (2) a notarized copy of a criminal background investigation for the proposed supervisor which is to be conducted by the St. Tammany Parish Sheriff’s Office. Operator shall notify the Department of Planning and Development with any changes regarding the supervisor.
- (j) The operator of a transitional facility shall immediately report to the St. Tammany Parish Sheriff’s Office any suspected criminal acts perpetrated by any of the occupants of the transitional facility, including, but not limited to, any and all parole or probation violations. Failure to report such criminal acts immediately is grounds for immediate revocation of the permit to operate such facility.
- (k) Any transitional facility in existence at the time of the effective date of this article shall apply for a permit by January 1, 2025.
- (l) Any transitional facility seeking a permit to operate as required herein and above shall be limited to a maximum of one occupant per one thousand square feet, per permit, and per transitional facility.
- (m) Failure to follow any requirement herein is grounds for immediate revocation of the permit to operate such facility or denial of a permit for said facility.

Sec. 28-499. Permit Denial

- (a) The Department of Planning and Development may deny the issuance of a transitional facility permit if it finds any of the following:

 - (1.) The applicant fails to meet the application requirements imposed in this article.
 - (2.) The applicant has made a false, misleading, or fraudulent statement of fact in the permit application, or in any other document required herein.

- (3.) The proposed transitional facility will be conducted in a manner not meeting the health or safety standards established by the ordinances of the parish or laws of the state.
- (4.) The applicant has previously had a transitional permit that was suspended or terminated in the last year from the date of the application for a transitional housing permit.
- (5.) The proposed transitional housing has an outstanding notice of violation of the St. Tammany Parish Code of Ordinances, in excess of thirty days.
- (6.) The applicant has been convicted of any felony or misdemeanor sexual offense in a court of competent jurisdiction within the last ten years.
- (7.) The applicant has operated a transitional facility with a suspended, revoked or expired transitional facility permit.
- (b) Where the transitional facility permit application is denied, the Department of Planning and Development will issue the applicant, at the address provided in the application, a notice stating the reasons for denial, as well as a refund for the amount received in the transitional permit application, less \$250.00 as non-refundable application fee.
- (c) An applicant who is denied the issuance of a transitional facility permit may appeal the decision to the Board of Adjustment within sixty days from the date in which the notice of denial was delivered.

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 fifteen (15) days after 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 4TH DAY OF APRIL, 2024; AND BECOMES ORDINANCE COUNCIL SERIES NO. 24-_____.

ARTHUR LAUGHLIN, COUNCIL CHAIR

ATTEST:

KATRINA L. BUCKLEY, COUNCIL CLERK

MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: FEBRUARY 28, 2024

Published Adoption: _____, 2024

Delivered to Parish President: _____, 2024 at _____

Returned to Council Clerk: _____, 2024 at _____