

2023 Regular Session

HOUSE BILL NO. 276

BY REPRESENTATIVE LANDRY

MUNICIPALITIES/NO: Provides relative to fines for building code violations in New Orleans

1 AN ACT

2 To amend and reenact R.S. 33:1375 and to repeal R.S. 13:2500(C), relative to penalties for
3 violations of ordinances in New Orleans; to provide relative to penalties for building
4 code violations; and to provide for related matters.

5 Notice of intention to introduce this Act has been published
6 as provided by Article III, Section 13 of the Constitution of
7 Louisiana.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:1375 is hereby amended and reenacted to read as follows:

10 §1375. Maximum penalties; city of New Orleans

11 A.(1) Notwithstanding any other provision of law to the contrary Except as
12 otherwise provided by this Section, in the city of New Orleans, the maximum
13 monetary penalty which may be imposed for a first offense violation of any
14 ordinance enacted by the governing authority of the city shall be a fine of five
15 hundred dollars. For the second or any subsequent offense, the maximum monetary
16 penalty which may be imposed shall be one thousand dollars.

17 (2) The maximum imprisonment penalty which may be imposed for any
18 violation of an ordinance enacted by the governing authority of the city is six months
19 in jail. However, in default of the payment of a fine, a violator may be sentenced to
20 serve a period in jail for a term not to exceed an additional thirty days.

1 B. The maximum penalties established by the provisions of this Section shall
2 not apply to any penalty imposed for a non-moving or parking violation or any other
3 traffic violation, including any violation captured by an automated traffic
4 enforcement system.

5 C.(1) The penalty which may be imposed for each violation of an ordinance
6 prohibiting the dumping of trash, debris, refuse, garbage, other solid and liquid
7 waste, greases, and oils, such as but not limited to cooking oil and fats, motor oil,
8 antifreeze, truck and automotive fluids, paint, paint thinners, and gasoline into
9 drainage culverts, lines, or canals, upon any public place within the parish, upon
10 private property within the parish not owned by the person accused of the violation,
11 upon property owned or controlled by the parish, or in or on the waters within the
12 parish, whether from a vehicle or otherwise, including but not limited to any public
13 highway, public park, beach, campground, forestland, recreational area, trailer park,
14 highway, road, street, or alley, shall not exceed one thousand dollars, or a greater
15 amount if a state statute authorizes a greater penalty for the violation of such an
16 ordinance, or imprisonment in accordance with Paragraph (A)(2) of this Section.

17 (2) The maximum penalty for a building code violation involving residential
18 property with more than three units or any property being used commercially is one
19 thousand dollars.

20 Section 2. R.S. 13:2500(C) is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 276 Engrossed

2023 Regular Session

Landry

Abstract: Provides relative to the maximum fine for certain violations of building code ordinances in New Orleans.

Present law (R.S. 33:1375) provides that in New Orleans, the maximum penalty for a first offense violation of any ordinance is a fine of \$500. For the second or any subsequent offense, the maximum fine is \$1000. Provides that present law does not apply to any non-moving or parking violation or any other traffic violation.

Present law (R.S. 13:2500(C)) provides relative to the penalties which may be imposed by the Municipal and Traffic Court of New Orleans. Provides that court may impose penalties that do not exceed \$500 or six months in jail, or both. Provides that in default of the payment of a fine, the court may impose up to an additional 30 days in jail.

Proposed law retains present law, including the maximum fine for second and subsequent violations of ordinances, and consolidates the two statutory provisions.

Proposed law further provides that the maximum penalty for a building code violation involving residential property with more than three units or any property being used commercially is \$1000.

(Amends R.S. 33:1375; Repeals R.S. 13:2500(C))