

2020 Regular Session

HOUSE BILL NO. 638

BY REPRESENTATIVE LANDRY

LOCAL GOVT/ORDINANCES: Provides relative to maximum penalties imposed for the violation of parish and municipal ordinances

1 AN ACT

2 To amend and reenact R.S. 33:1243, to enact R.S. 33:1376, and to repeal R.S. 33:1375,  
3 relative to parish and municipal ordinances; to provide relative to the violation of  
4 such ordinances; to establish maximum penalties for any such violation; to provide  
5 exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 33:1243 is hereby amended and reenacted and R.S. 33:1376 is hereby  
8 enacted to read as follows:

9 §1243. Maximum penalties

10 A.(1) ~~Except as otherwise provided in this Section, the~~ The maximum  
11 penalty which may be imposed for a violation of any parish ordinance shall be a fine  
12 of five ~~hundred~~ thousand dollars and imprisonment of thirty days in the parish jail.

13 A maximum of one hundred hours of community service may be imposed for a  
14 violation of any parish ordinance in addition to, or in lieu of, any penalty provided  
15 for in this Section.

16 (2) ~~Notwithstanding the provisions of Paragraph (1) of this Subsection or any~~  
17 ~~other law to the contrary, in the parish of East Baton Rouge, the maximum penalty~~  
18 ~~which may be imposed for violation of any parish ordinance as codified in Title 11~~  
19 ~~or 13 of the Code of Ordinances for the parish of East Baton Rouge and the city of~~  
20 ~~Baton Rouge shall be a fine of one thousand dollars and imprisonment of six months~~

1        ~~in the parish jail. Maximum penalties for violations of ordinances other than those~~  
2        ~~provided for in this Paragraph shall be as established in Paragraph (1) of this~~  
3        ~~Subsection.~~

4                ~~B.(1) In the parish of Jefferson the maximum penalty which may be imposed~~  
5        ~~for violation of any parish ordinance shall be a fine of five hundred dollars and~~  
6        ~~imprisonment of six months in the parish jail.~~

7                ~~(2) Notwithstanding the provisions of Paragraph (1), the governing authority~~  
8        ~~of any such parish may provide for a fine not to exceed five thousand dollars and a~~  
9        ~~sentence of imprisonment not to exceed six months in the parish jail for violation of~~  
10       ~~any ordinance prohibiting the dumping of trash, debris, refuse, garbage, other solid~~  
11       ~~and liquid waste, greases and oils, such as but not limited to cooking oil and fats,~~  
12       ~~motor oil, antifreeze, truck and automotive fluids, paint, paint thinners, and gasoline~~  
13       ~~into drainage culverts, lines, or canals, upon any public place within the parish, upon~~  
14       ~~private property within the parish not owned by the person accused of the violation,~~  
15       ~~upon property owned or controlled by the parish, or in or on the waters within the~~  
16       ~~parish, whether from a vehicle or otherwise, including but not limited to any public~~  
17       ~~highway, public park, beach, campground, forest land, recreational area, trailer park,~~  
18       ~~highway, road, street, or alley. Notwithstanding any provisions to the contrary, this~~  
19       ~~Paragraph shall not apply to any activity permitted or authorized by a state or federal~~  
20       ~~program and also shall not apply to any activity during the servicing of scheduled~~  
21       ~~pickup routes pursuant to commercial, municipal or local government contracts, or~~  
22       ~~en route to an authorized pickup station, transfer station or disposal facility by~~  
23       ~~persons owning or operating duly licensed commercial vehicles engaged in the~~  
24       ~~collection and transportation of solid waste, construction or demolition debris or~~  
25       ~~wood waste as such terms are defined by the rules and regulations of the Louisiana~~  
26       ~~Department of Environmental Quality.~~

27                €. B. ~~Notwithstanding any other provision of law to the contrary, a civil~~  
28        ~~penalty of up to one thousand dollars a day may be imposed for each violation of any~~  
29        ~~parish ordinance regulating the use of publicly owned waste treatment works or~~



parking violations or other traffic violations, including those captured by an automated traffic enforcement system.

Proposed law repeals present law and provides instead that the maximum penalty which may be imposed for the violation of municipal ordinances statewide is a fine of \$5000. Provides that the maximum penalties do not apply to penalties imposed for non-moving or parking violations or other traffic violations, including those captured by an automated traffic enforcement system.

Effective July 1, 2020.

(Amends R.S. 33:1243; Adds R.S. 33:1376; Repeals R.S.33:1375)