

WASHINGTON PARISH COUNCIL
ORDINANCE NO. 00-245

Introduced by Councilman Charles "Chuck" Nassauer
Introduced on June 26, 2000
Public Hearing to be held on July 10, 2000

AN ORDINANCE REPEALING THE WASHINGTON
PARISH POLICE JURY ORDINANCE #33 AND REPLACING
SAID LITTER LAW BY INCORPORATING SECTIONS OF
REVISED STATUTES 30:2531

WHEREAS it is the will of the Washington Parish Council to bring the Parish litter law into compliance with the State of Louisiana litter law Section R. S. 30:2531;

THEREFORE BE IT ORDAINED that the Washington Parish Police Jury Ordinance #33, adopted June 12, 1990 be repealed and replaced with the following:

INTENTIONAL LITTERING PROHIBITED

A. No person shall intentionally dispose or permit the disposal of litter upon any public place in the parish, Upon any private property in the parish not owned by him or in or on the waters of this parish, whether from A vehicle or otherwise, including but not limited to any public highway, public right-of-way, public park, beach, campground, forest land, recreations area, trailer park, highway, road, street or alley, except when such property is designated by the parish or by any of its agencies or political subdivisions for the disposal of such litter and such person is authorized to use such property for such purpose.

B. (1) If the litter is disposed from a motor vehicle, boat, or conveyance, except a bus or large passenger vehicle or a school but, all as defined in R.S. 32:1, there shall be an inference that the driver of the conveyance disposed of the litter. If a specific person possessed such litter immediately before the act of disposing, there shall be an inference that the possessor committed the act of disposing.

2. When litter disposed in violation of this Section is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings, which display the name of a person or in any other manner indicate that the article belongs or belonged to such person, there shall be an inference that such person has violated this Section, provided however, that should such person or persons produce proper evidence that he, she or they have a contract with or can produce receipt from, a commercial or other hauler indicating that payment was made thereto to haul the garbage, trash, refuse, or litter, then the prima facie presumption herein established shall shift to said commercial or other hauler.

C. The dumping of trash, debris, greases and oils, such as but not limited to cooking oil and fats, motor oil, antifreeze, truck and automotive fluids, paint, paint thinners, and gasoline into drainage culverts, lines or canals is prohibited.

D. The person shall be cited for the offense by means of a citation, summons, or other means provided by law.

NOW, BE IT FURTHER ORDAINED, that the following penalties for littering be established in Washington Parish:

PENALTY FOR VIOLATION

Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon Conviction thereof, shall be fined as follows:

E. (1) Whoever violates the provisions of this Section shall, upon first conviction, be fined not less than fifty dollars nor more than three hundred dollars.

(2) Upon second conviction, an offender shall be fined not less than two hundred fifty dollars nor more than five hundred dollars.

(3) Upon third or subsequent conviction, an offender shall be fined five hundred dollars and/or imprisoned for not more than thirty days.

F. Anyone convicted of violating Section C of this ordinance, shall be fined no more than five thousand dollars.

G. For the purposes of this Section, each occurrence shall constitute a separate violation.

NOW, THEREFORE BE IT FURTHER ORDAINED, that any and all parish ordinances in conflict herewith are hereby repealed.

Having been submitted to a vote, the roll call vote resulted as follows:

YEAS: 7 (Sharp, Wheat, Miley, Nassauer, Brown, Sumrall and Thomas)

NAYS: 0 (None)

ABSENT: 0 (None)

And the ordinance was declared adopted on the 10th day of July, 2000.



Kenneth Wheat, Chairman
Washington Parish Council

Delivered to the Parish President on

Returned to the Clerk of the Council on

July 11, 2000 at 1:00 p.m. July 11, 2000 at 1:10 p.m.



M. E. "Toye" Taylor, Parish President

CERTIFICATION

I hereby certify that the above and foregoing is a true and correct copy of an ordinance adopted by the Washington Parish Council duly convened in regular session on Monday, July 10, 2000, a quorum being present and voting.



Sylvia Forbes, Clerk of the Council
Washington Parish Council