

CHAPTER 16

MOTOR VEHICLES AND TRAFFIC

Article A. General

- Section 16.1 Highway Regulatory Act adopted
- Section 16.2 Speed limits; required equipment
- Section 16.3 Driver's license
- Section 16.4 Unlawful activity with motor vehicle by certain minors
- Section 16.5 Load limits
- Section 16.6 Bicycles; required equipment
- Section 16.7 Dynamic braking devices
- Section 16.8 Penalty

Article B. Removal of Abandoned or Inoperative Vehicles

- Section 16.11 Findings and declarations
- Section 16.12 Definitions
- Section 16.13 Exceptions
- Section 16.14 Administration and enforcement
- Section 16.15 Right to enter on private property
- Section 16.16 Notice to owner or occupant to abate public nuisance on occupied or unoccupied premises
- Section 16.17 Notice presumed from refused certified mail
- Section 16.18 Failure or refusal to comply
- Section 16.19 Removal from unoccupied premises when owner's whereabouts are unknown
- Section 16.20 Removal of vehicles from private property

Article A. General

Section 16.1 Highway Regulatory Act adopted

A. Pursuant to the authority conferred by R.S. Title 32:41(C), the town adopts the provisions of R.S. Title 32, Chapter 1, (Louisiana Highway Regulatory Act) and all regulations of the state Department of Transportation and Development and the secretary of the Department of Public Safety and Corrections adopted pursuant thereto, which govern the operation of motor vehicles, traffic, and streets, except for such provisions and regulations as are in conflict or inconsistent with this Article or by their nature can have no application and except as otherwise

provided in this Code.
(Ordinance 45 adopted 6/8/82)

B. Except as provided in Subsections D and E, any person charged with a violation of a traffic offense may promise, in writing on a form prepared or otherwise used by the town, to appear to answer the charge.

C.(1) Except as provided in Subsections D and E, any person charged with a violation of this Section may plead guilty to the alleged offense and pay the fine prior to date of adjudication in the town hall during business hours or by mail. Payment by mail must be postmarked on or before the date of adjudication and may be made by certified check or money order. No temporary checks or cash shall be accepted by mail.

(2) If the offender fails to pay the fine by mail in advance of adjudication and fails to appear at the time and date indicated on the citation, an additional penalty in an amount not to exceed the amount of the fine for the original violation may be imposed by the mayor's court.

D. Subsections B and C shall not apply to citations alleging that the operator of the motor vehicle was:

- (1) Under the influence of alcohol or controlled substances.
- (2) Exceeding the speed limit by fifteen (15) miles per hour or more.
- (3) Exceeding the speed limit in a school zone.
- (4) Driving with a suspended license.
- (5) Drag racing.
- (6) Cited for failure to maintain compulsory security.

E. Subsections B and C shall not apply when the operator was involved in an accident in which a person was injured or is alleged to have committed the same offense twice within a period of one (1) hour.
(Ordinance 97 adopted 4/9/96)

Section 16.2 Speed limits; required equipment

A. It is unlawful for any person to recklessly drive or operate an automobile, or other motor-driven vehicle, or while driving said automobile or other motor-driven vehicle, to travel at

a speed greater than twenty-five (25) miles per hour on all roads, streets, or alleys lying within the town with the exception of BMG Drive and Bayou Road which has a speed limit of fifteen (15) miles per hour. The speed limit provided for by this Subsection shall not apply to state or federal highways within the town.

B. It shall be unlawful for any person to operate an automobile, or other motor-driven vehicle, in the town during the hours of darkness without two well functioning and sufficiently bright front lights to clearly and safely reveal the roadway ahead of said vehicle and without a bright rear or tail-light.

(Ordinance adopted 2/2/60; Ordinance adopted 1/2/62; Ordinance 2006-166 adopted October 9, 2006, effective November 1, 2006; Ordinance 2015-225 adopted 7/13/15)

Section 16.3 Driver's license

A. It is unlawful for any person to drive a motor vehicle or power cycle upon any highway, street, or roadway within the town without having been issued a driver's license for the operation of such vehicle by the office of motor vehicles.

B. Any person driving a motor vehicle or power cycle on any highway, street, or road within the town shall have his driver's license in his immediate possession, and shall display it upon demand of any police officer of the state, parish, or town.

(Ordinance 11 adopted 1/5/60; Ordinance 2006-166 adopted October 9, 2006, effective November 1, 2006)

Section 16.4 Unlawful activity with motor vehicles by certain minors

A. It is unlawful for any person to cause or knowingly permit his or her child or ward, under the age of seventeen (17) years, to drive a motor vehicle or a power cycle, upon any highway, street or road within the town, unless such child or ward is licensed by the state to do so.

(Ordinance 10 adopted 1/5/60; Ordinance 2006-166 adopted October 9, 2006, effective November 1, 2006)

Section 16.5 Load limits

A. No motor vehicle or semi-trailer shall be operated on the public streets owned and maintained by the town, with the exception of Newfield Drive between Richfield Drive and LA Highway 78, carrying a load in excess of ten thousand (10,000) pounds, except to make a local delivery or for repair service.

B. No motor vehicle or semi-trailer shall be operated on Newfield Drive between

Richfield Drive and LA Highway 78 carrying a load in excess of thirty thousand (30,000) pounds except to make a local delivery or for repair service.

C. Any vehicle carrying a load in excess of this section shall, before using town streets, obtain a special permit from the police department. The special permit will be issued if it appears the vehicle will not cause damage to the town's streets.
(Ordinance 61 adopted 10/7/86; Ordinance 154 adopted 8/10/04; Ordinance 2006-166 adopted October 9, 2006, effective November 1, 2006)

Section 16.6 Bicycles, required equipment

A. No person shall operate a bicycle on any public street or roadway within the town after sunset without having the necessary and proper lighting equipment in operation as prescribed hereinafter.

B. Every bicycle when in use at night time shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred (500') feet to the front and with a red reflector on the rear which shall be visible from all distances within three hundred fifty (350') feet to one hundred (100') feet to the rear when directly in front of lawful upper beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred (500') feet to the rear may be used in addition to the red reflector.
(Ordinance adopted 11/5/74; Ordinance 2006-166 adopted October 9, 2006, effective November 1, 2006)

Section 16.7 Dynamic braking devices

A. DEFINITION - A device which utilizes the power of an engine to provide a power absorbing and retarding effect to assist the slowing or braking of a vehicle (commonly known as "Jake Brakes") which increase engine noise and sound through the exhaust system while in use.

B. PROHIBITION - It shall be unlawful to operate or use engine powered braking devices within the corporate limits of the town.

C. EXCEPTION - (1) It is an affirmative defense to prosecution under this section if dynamic braking devices are applied in cases of emergency to avert imminent danger to persons or property.

(2) Furthermore, the provisions of this section shall not apply to emergency vehicles or equipment.
(Ordinance 2008-179 adopted February 11, 2009)

Section 16.8 Penalty

Any person charged with the violation of this Article shall, upon conviction, thereof, be subject to a fine of up to five hundred (\$500) dollars, sixty (60) days of imprisonment, or both for each violation.

(Ordinance 2006-166 adopted October 9, 2006, effective November 1, 2006)

Article B. Removal of Abandoned or Inoperative Vehicles

Section 16.11 Findings and declarations

A. In addition to and in accordance with the determination made and the authority granted to remove abandoned or inoperative vehicles as public nuisance, the council makes the following findings and declarations.

B. The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles is found to create a condition tending to reduce the value of property; to promote blight and deterioration; to invite plundering; to create fire hazards; to constitute an attractive nuisance creating a hazard to the health and safety of minors; to create a harborage for rodents and insects; and to be injurious to the health, safety, and general welfare. Therefore, the presence of abandoned or inoperative vehicles, except as expressly hereinafter permitted, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this Article.

(Ordinance 125 adopted 3/12/01)

Section 16.12 Definitions

As used in this Article:

(1) "Abandoned." It shall be a prima facie evidence that the vehicle has been abandoned when it is situated on the private property of another, without that person's permission, for a period of thirty (30) days or longer.

(2) "Antique vehicle" means any motor vehicle twenty-five (25) years or older, which is substantially in its original condition. These vehicles must be registered as antiques and display antique license plates.

(3) "Enforcing agency" means the chief of police as well as his duly authorized officers.

(4) "Inoperative" means incapable of self-propelled movements. A vehicle which is not currently and validly registered for operation or use on the highways and streets, as required by

law, is presumed to be inoperative.

(5) "Owner of the premises" means the owner of the land on which the vehicles are located, as shown on the last equalized assessment roll.

(6) "Owner of the vehicle" means the last registered owner.

(7) "Vehicle" means a device, by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.

(Ordinance 125 adopted 3/12/01)

Section 16.13 Exceptions

This Article shall not apply to:

(1) A vehicle which is completely enclosed within a building in a lawful manner or is not otherwise visible from the street or other public or private property.

(2) Any motor vehicle in an appropriate storage place or depository maintained at a location where such business is authorized under the regulatory ordinances of the town.

(3) Any motor vehicle in operable conditions specifically adapted or constructed for racing or operation on privately owned drag strips or raceways.

(4) Any motor vehicle retained by the owner for antique collection purposes, as defined herein, rather than for salvage or for transportation.

(5) Any motor vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.

(Ordinance 125 adopted 3/12/01)

Section 16.14 Administration and enforcement

Except as otherwise provided herein, this Article shall be administered and enforced by the police chief or his designee. In the enforcement of this Article, persons charged with administration and enforcement may enter upon private or public property to examine the vehicle or parts thereof, or obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Article.

(Ordinance 125 adopted 3/12/01)

Section 16.15 Right to enter on private property

When the town has contracted with or granted a permit to any person, the person shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Article.
(Ordinance 125 adopted 3/12/01)

Section 16.16 Notice to owner or occupant to abate public nuisance on occupied or unoccupied premises

A. Whenever any public nuisance exists on occupied or unoccupied premises within the town in violation of Section 16.11, the enforcing agency shall order the owner of the vehicle, or the owner or the occupant of the premises whereon such public nuisance exists, to abate or remove the same. Such order shall:

- (1) Be in writing.
- (2) Specify the public nuisance and its location.
- (3) Specify the corrective measures required.
- (4) Provide for compliance within fifteen (15) days from service thereof.

(5) Provide for opportunity for a hearing by written request received by the enforcing agency within seven (7) days.

B. The order shall be served upon the owner or occupant of the premises and the owner of the vehicle by serving him personally or by sending the order by certified mail, return receipt requested, to the address of the premises and the address shown by the office of motor vehicles.

C. Within the fifteen (15) day period after service of notice, the owner of the premises or the owner of the vehicle shall abate the nuisance by (1) removing the nuisance from the premises, or (2) commencing repairs to the vehicle which shall be completed within sixty (60) days (an extension not to exceed six (6) months may be given by the enforcing agency for good cause shown), and notifying the enforcing agency of the manner in which the nuisance was abated.

D. If the owner or occupant of the premises or the owner of the vehicle fails to abate the nuisance within the fifteen (15) day period of notification or fails to timely request a hearing, the police chief may issue a misdemeanor summons to the owner or occupant of the premises and cause the vehicle to be removed from the premises in the same manner as provided by state law and local ordinance. The owner or occupant of the premises and the owner of the vehicle shall

be liable for all expenses incurred for the removal of vehicle.
(Ordinance 125 adopted 3/12/01)

Section 16.17 Notice presumed from refused certified mail

For purposes of this Article, when the owner of premises or owner of vehicle has been served notice by certified mail as set forth in Section 16.16, and such certified mail is refused, the owner is deemed to have received notice in accordance with this Article.
(Ordinance 125 adopted 3/12/01)

Section 16.18 Failure or refusal to comply

The failure or refusal to comply with this Article shall constitute a misdemeanor, and the violator shall be subject to a fine of up to five hundred (\$500) dollars, sixty (60) days imprisonment, or both for each violation.
(Ordinance 125 adopted 3/12/01)

Section 16.19 Removal from unoccupied premises when owner's whereabouts are unknown

Where there is an abandoned or inoperative motor vehicle that is unoccupied and the identity of whereabouts of either the owner of the premises or the owner of the vehicle is unknown or unascertainable after a diligent search has been made, or if notice sent to the last record owner of the property by certified mail has been returned as unclaimed, then the enforcing agency shall place an advertisement in the official journal for the whereabouts of said owner for two (2) consecutive weeks. If no response is forthcoming after the two (2) consecutive weeks, then the enforcing agency may take possession of the motor vehicle and remove it from the premises. The enforcing agency shall thereafter dispose of the vehicle in the same manner as provided in Section 16.16.
(Ordinance 125 adopted 3/12/01)

Section 16.20 Removal of vehicles from private property

Private property owners, whether commercial or residential, have the power, as authorized by general law, to cause vehicles to be removed from their property illegally situated thereon. If any case where a private property owner requests any law enforcement agency having jurisdiction, to cause to be removed from private property a vehicle said by the private property owner to be illegally situated on his private property, such law enforcement agency shall be authorized and empowered to cause the vehicle to be removed by wrecker service in accordance with established policies and procedures for obtaining of wrecker services by law enforcement agencies in the town.
(Ordinance 125 adopted 3/12/01)

Updated December 2016