

OFFERED BY: _____

SECONDED BY: _____

ORDINANCE NO. _____

AN ORDINANCE TO RESTRUCTURE CHAPTER 21, ARTICLE V OF THE TERREBONNE PARISH CODE ON RECREATION DISTRICTS BY ENACTING SECTIONS 21-49 TO AUTHORIZE THE REGULATED USE OF LOW-SPEED VEHICLES IN BAYOU COUNTRY SPORTS PARK

WHEREAS, Section 1-06 of the Home Rule Charter for the Terrebonne Parish Consolidated Government (TPCG) provides that the Parish Government shall have the right, power and authority to pass all ordinances requisite or necessary to promote, protect and preserve the general welfare, safety, health, peace and good order of the parish, including but not by way of limitation, the right, power and authority to pass ordinances on all subject matters necessary, requisite or proper for the management of parish affairs, and all other subject matter without exception, subject only to the limitation that the same shall not be inconsistent with the Constitution or expressly denied by general law applicable to the parish; and

WHEREAS, Section 2-11 of the Terrebonne Parish Home Rule Charter requires an ordinance to adopt or amend an administrative code; and

WHEREAS, in an effort to promote, protect and preserve the general welfare, safety, health, peace and good order of the parish, and TPCG operated recreation programs in accordance with Chapter 21, "Recreation and Parks" of the Terrebonne Parish Consolidated Government Code of Ordinances; and

WHEREAS, TPCG desires to regulate vehicles on its roadways, known as low speed vehicles; and

WHEREAS, the Terrebonne Parish Division of Recreation wishes to enable and place with Section 21-49; and

NOW, THEREFORE, BE IT ORDAINED by the Terrebonne Parish Council on behalf of the Terrebonne Parish Consolidated Government that:

SECTION I

The following sections of the Code of Ordinances of Terrebonne Parish at Chapter 21, "Recreation and Parks," shall be and are hereby enacted, with underline to show additions:

Sec. 21-49. – Use of low-speed vehicles on Bayou Country Sports Park

(a) Statement of need and purpose

(1) The purpose of this article shall be to establish low-speed vehicle ordinances for use in Bayou Country Sports Park to promote health, safety, and welfare of persons operating low speed vehicles and to protect the safety of their passengers and other users of the road.

(2) The establishment of a low-speed vehicle ordinance is necessary to address the interests of public safety. Low speed vehicles are not designed or manufactured to be used on public streets, roadways and highways, TPCG in no way advocates or endorses their operation on roadways. The adoption of this article is not to be relied upon as a determination that operation on roadways is safe or advisable if done in accordance with this article. All persons who operate or ride upon carts on the roadways do so at their own risk and peril and must be observant of and attentive to the safety of themselves and others, including their passengers, other motorists, bicyclists, and pedestrians. Any person who operates a cart must procure liability insurance sufficient to cover the risks involved in using a cart on the roadways in Terrebonne Parish.

(b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Bayou Country Sports Park means the sports park located on Louisiana 311, bearing a municipal address of 4374 LA-311, Houma, LA 70360.

DMV means department of motor vehicles.

Driver means every person who drives or physically controls a low-speed vehicle as defined herein; synonymous with “operator”.

Public Highway means the entire width between the boundary lines of every way or place of whatever nature publicly maintained and open to the use of the public for the purpose of vehicular travel, including bridges, causeways, tunnels and ferries; unless defined otherwise in their definition, it is synonymous with the term "street" and “roadway”.

Law Enforcement means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Local government authority means the constitution and laws of the state to govern the affairs of the parish.

Low speed vehicle means a four-wheeled vehicle with a capable maximum speed of 25 miles per hour and is equipped with the minimum motor vehicle equipment appropriate for vehicle safety as required in 49 CFR 571.500, as defined in R.S. 32:1(40) and any other state law or local ordinance.

Parish means TPCG, a local government as established by its Home Rule Charter

TPCG means the Terrebonne Parish Consolidated Government.

Operator means every person, who drives or is in actual physical control of a motor vehicle or who is exercising control over or steering a vehicle being towed by a motor vehicle; synonymous with “driver”.

Owner means a person who holds a legal title to a low speed vehicle or, in the event of such, are the subject of an agreement for the conditional sale, lease, or transfer of possession thereof with the right of purchase upon the performance of the conditions stated in the agreement, with the right of immediate possession in the vendee, lessee, possessor, or in the event such similar transaction is had by means of mortgage and the mortgagor of a vehicle is entitled to possession, then the conditional vendee, lessee, possessor, or mortgagor shall be deemed the owner for the purposes of this article.

Private roadway or driveway means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

Right-of-way means the privilege of the immediate use of the highway.

Public Roadway means that portion of a highway improved, designed, or ordinarily used for vehicular traffic, exclusive of the shoulder. A divided highway has two or more roadways; unless stated otherwise in its definitions, synonymous with “highway: and “street”.

Public Shoulder means the portion of the roadway contiguous with the roadway for accommodation of stopped vehicles, for emergency use, pedestrian use, mobility aid use or bicyclists when other accommodations are not available, and for lateral support of base and surface.

Public Sidewalk means that portion of a roadway between the curb lines, or the lateral lines of roadway, and the adjacent property lines, intended for the use of pedestrians.

State maintained highway means any highway in the state which is contained in the state highway system as defined by law or which is maintained by the department.

Public Street means the entire width between the boundary lines of every way or place of whatever nature publicly maintained and open to the use of the public for the purpose of vehicular travel, including bridges, causeways, tunnels and ferries; unless stated otherwise in its definitions, synonymous with the term "highway" and "roadway".

Traffic means pedestrians, vehicles, and other conveyances either singly or together while using any highway, roadway, or street for purposes of travel.

Traffic control device means all signs, signals, markings, and devices, not inconsistent with this article, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

Traffic control signal means a type of highway traffic signal, manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

Vehicle means every device by which persons or things may be transported upon a public highway, roadway, street, or bridge, except devices moved by human power or used exclusively upon stationary rails or tracks. A bicycle or a ridden animal shall be a vehicle, and a trailer or semitrailer shall be a separate vehicle.

(c) Rules and regulations.

(1) except as authorized herein for low speed vehicles, only vehicles authorized by the motor vehicle laws of the state and permitted for roadway use, and any other vehicles defined as low speed can operate on roadways within Bayou Country Sports Park. No vehicles shall operate except on roadways and shoulders. Bicycles are exempt from ordinances and shall be ridden in accordance with state law.

(2) This article allows for the operation of low-speed vehicles on roadways in Bayou Sports Park only.

(3) This article pertains to low-speed vehicles only as defined herein.

(4) Low speed vehicles are not generally designed to be operated and used on public streets, roadways, paths, or highways. TPCG, by adopting this article, does not endorse nor advocate the use of low-speed vehicles on the public streets, roadway, paths, or highways within its jurisdiction.

(5) By adopting this article, TPCG is merely providing for the regulation and permitting of the operation of such vehicles by addressing public safety issues and concerns. All operators and passengers of low-speed vehicles which operate within the jurisdiction of TPCG do so at their own risk and peril.

(6) This article does not imply that operation of these vehicles on said streets, roadways, paths, and highways, is safe or advisable, even if done so in compliance with this article. All operators of low-speed vehicles and their passengers must be observant of and attentive to the safety of themselves, motorists, pedestrians, bicyclists, and the personal and real property of others.

(7) TPCG shall bear no liability whatsoever under any theory of liability for permitting the operation of low-speed vehicles in Bayou Country Sports Park or any other roadway, under its jurisdiction as allowed by state statutes and/or special legislation enacted by the state legislature but governed by this article. This does not mean that TPCG authorizes the use of a low speed vehicle outside of roadways inside Bayou Country Sports Park.

(8) Any person or persons, driving, operating or riding in or low speed vehicles on the streets, roadways, paths, or designated roadways under the jurisdiction of TPCG does so at his own risk and peril, and must drive, operate and use said vehicles with due

regard for the safety and convenience of other motor vehicles, bicyclist, and pedestrians.

(9) The low-speed vehicle owner and registrant must sign a release from liability for TPCG which is as follows:

The undersigned owner and registrant hereby agrees to indemnify, defend, and hold TPCG, its officers, agents, servants, employees, assistants, legal representatives and their heirs, executives, executors, administrators, and assigns, completely harmless from and against any and all liabilities, losses, suits, claims, judgments, fines, or demands arising by reason of injury or death of any person or damage to any property, including all reasonable costs of investigation and defense thereof, including, but not limited to, attorney fees, court costs, and expert fees, of any nature whatsoever arising out of an incident to the acts or omissions of the owner and registrant, its officers, agents, employees, contractors, subcontractors, subleases, licensees, invitees, or any third persons in the use of the owner's and registrant's low speed vehicle, regardless of where the injury, death or damage may occur.

(10) Before low-speed vehicles can be operated on the designated streets, roadways, pathways, or highways within the jurisdiction of TPCG, the owner thereof must purchase and maintain liability insurance in at least the minimum amount required by the state for a licensed motor vehicle which said vehicles. Proof of insurance must be provided to TPCG at the time of application for a permit to operate vehicles.

(11) Any person who drives, operates or uses a low-speed vehicle in Bayou Country Sports park, including passengers therein or thereon, takes full responsibility for all liability associated with the operation of said vehicles. Any person who rides or sits as a passenger on low-speed vehicle in the parish takes full responsibility for all liability associated with such activity.

(12) Any person that drives, uses, or operates a low-speed vehicle in Bayou Country Sports Park shall hold a valid driver's license issued by state DMV, and said operator shall have this driver's license on their person at all times while driving or operating said vehicles.

(13) Any person who drives, uses, or operates a low-speed vehicle on Bayou Country Sports Park shall maintain proper compulsory motor vehicle liability security, as mandated by La. R.S. 32:861.

(14) Any person who drives, uses, or operates a low-speed vehicle in Bayou Country Sports Park shall acquire an annual motor vehicle inspection, as mandated by La. R.S. 32:1304.

(15) Notwithstanding anything said to the contrary herein, low speed vehicles may be operated only in Bayou Country Sports Park only during daylight hours, between sunrise and sunset. Low speed vehicles cannot be operated anywhere else in Terrebonne parish

(16) Low speed vehicles may not be operated in Bayou Country Sports Park during inclement weather, including weather in which visibility is reduced or impaired by rain, snow, fog, or other conditions, nor at any time when there is insufficient light to clearly see a person or another vehicle upon the roadway at a distance of 500 feet.

(17) Any person who operates a low-speed vehicle in Bayou Country Sports park must adhere to all TPCG and state traffic laws, and all other laws, governing the use of, or the possession of, alcoholic beverages and controlled substances.

(18) Drivers and operators of low-speed vehicles must yield the right-of-way to pedestrians and overtaking vehicles at all times.

(19) All passengers, including children, must be properly seated while the low-speed vehicle is in motion and shall not be transported in a negligent manner. No children

under the age of six are permitted on low-speed vehicles. The maximum number of persons on a low-speed vehicle shall be two persons per seat.

(20) Low speed vehicles shall not be allowed to operate on any Parish sidewalks.

(21) All references of operation of low-speed vehicles are for the roadways in Bayou Country Sports Park

(22) All low-speed vehicles shall have insurance with minimum limits of \$250,000/\$500,000/\$100,000.

(d) Required equipment.

(1) Low speed vehicles must be equipped with a rear vision mirror on the exterior of the driver's side, and a mirror on the passenger side or an interior mirror capable of providing the operator with a 100 feet clear rear sight picture and must be equipped with front and rear turn signals, head lights and brake lights.

(2) Low speed vehicles must be equipped and operated with the minimum motor vehicle equipment appropriate for vehicle safety as required in 49 CFR 571.500.

(3) Low speed vehicles must have a the appropriate permit from the Terrebonne Parish Planning Department prior to operation in Bayou Country Sports Park.

(e) Permit, application, and revocation.

(1) Low speed vehicles operating within the jurisdiction of TPCG's Bayou Country Sports Park must display, on the left side of the windshield a valid "permit of operation" sticker issued by the appropriate law enforcement.

(2) The non-refundable annual fee for said sticker shall not exceed \$75.00 per vehicle and said fee will be used for implementation and maintenance of this privilege. The permit must be renewed annually. TPCG shall have the right to refuse to issue and/or revoke any permit sticker and may remove said sticker from any low-speed vehicle at any time and for any reason that he feels it appropriate to ensure the safety and well-being of the citizens, and the motoring or pedestrian traffic, of TPCG.

(3) Permit application form. The application form shall include the full name, address, and telephone number of the applicant; the applicant's date of birth; the applicant's driver's license information to include state of issuance and the driver's license number (a photocopy of the applicant's driver's license shall be attached to the application form); the name of the applicant's insurance company and the applicant's insurance policy number, along with the date of expiration of said policy; the date of the application; and the applicants signature attesting to his reading and understanding and complying of the ordinances enacted parish ordinance regulating and permitting the operation and use of low speed vehicles within TPCG.

(4) Any "permit of operation" may be revoked by TPCG if there is any evidence of material misrepresentation made in the permit application, if liability insurance has been revoked, suspended, expired, or is no longer in effect, or if there is any evidence that the permitted cannot safely operate low speed vehicles.

(5) A permit shall be revoked by TPCG if it is found that the operator's, or any person that the operator allows to operate said vehicle, driver's license has been suspended, revoked, or has expired. If TPCG revokes a permit, an individual may request a hearing to review for the purpose of reinstatement before the TPCG Council. The TPCG Council's decision is final.

(6) TPCG shall issue a "notice of revocation" in the event that a permit is revoked and shall hand deliver said revocation notice to the permit holder, or the appropriate law enforcement may send said notice by certified mail to the address of the applicant. The

revocation shall be effective immediately upon hand delivery or three days after mailing by certified mail.

(7) Any person who violates any section or part of this article or fails to comply with any section or part of this article, shall be held responsible for an infraction and shall be required to pay a penalty in the amount of \$200.00.

(8) A permit issued for a low-speed vehicle is a privilege and not a right.

(9) If any statutes and/or regulations contained herein, 49 CFR 571.500, L.a. R.S. 32:1(40), La. R.S. 32:861, and/or La. R.S 32:1304, change statute numbering, the new statute and/or regulation numbering shall be adopted to reflect this.

SECTION IV

Any section, clause, paragraph, provision, or portion of these regulations found to be invalid is severable and shall not affect the validity of the whole.

This ordinance, having been introduced and laid on the table for at least two weeks, was voted upon as follows:

THERE WAS RECORDED:

YEAS:

NAYS:

NOT VOTING.

ABSTAINING:

ABSENT:

The Chair declared the ordinance adopted on this, the ____ day of _____ 2022.

DARRIN GUIDRY, CHAIR
TERREBONNE PARISH COUNCIL

SUZETTE THOMAS
COUNCIL CLERK
TERREBONNE PARISH COUNCIL

Date and Time Delivered to Parish President:

Approved _____ Vetoed _____

Gordon E. Dove, Parish President
Terrebonne Parish Consolidated Government

Date and Time Returned to Council Clerk:

* * * * *

I, Council Clerk for the Terrebonne Parish Council, do hereby certify that the foregoing is a true and correct copy of an Ordinance adopted by the Assembled Council in Regular Session on _____, 2022, at which meeting a quorum was present.

GIVEN UNDER MY OFFICIAL SIGNATURE AND SEAL OF OFFICE THIS _____ DAY OF _____, 2022.

SUZETTE THOMAS
COUNCIL CLERK
TERREBONNE PARISH COUNCIL