

**ORDINANCE**  
**CITY OF NEW ORLEANS**

**CITY HALL: April 23, 2026**

**CALENDAR NO. 35,425**

**NO. \_\_\_\_\_ MAYOR COUNCIL SERIES**

**BY: COUNCILMEMBERS MORRELL AND HARRIS (BY REQUEST)**

**AN ORDINANCE** to amend and reordain sections of Chapters 66 and 154 of the Code of the City of New Orleans, to transfer parking and towing enforcement from the Department of Public Works to the Department of Police; and otherwise to provide with respect thereto.

**SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS**, that sections 66-101, 66-102, 66-105, 66-283.5, and 66-403 of Chapter 66 of the Code of the City of New Orleans, Louisiana are amended to read as follows:

**“Chapter 66 – ENVIRONMENT**

\* \* \*

**ARTICLE III. – REMOVAL AND DISPOSITION OF ABANDONED AND NUISANCE MOTOR VEHICLES**

**Sec. 66-101. – Administration.**

The police department shall be responsible for the administration and enforcement of this article, including the removal and disposition of vehicles determined to be "abandoned" or a "nuisance" on the public streets and highways or on private property within the city, and property owned by the city. The city may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store and dispose of abandoned vehicles and nuisance vehicles in compliance with this article and applicable state laws. Any fees collected in the administration or

enforcement of this article shall be transmitted to the department of finance for deposit in the general fund.

**Sec. 66-102. – Definitions.**

For purposes of this article, certain words and terms are defined as follows:

\* \* \*

(b) *Policing authority* or *authority*. Policing authority means the police department, or other authorized agency.

\* \* \*

**Sec. 66-105. – Removal of abandoned or nuisance vehicles; pre-towing notice requirements.**

Except as otherwise provided in this article, prior to towing an abandoned or nuisance vehicle the policing authority shall give notice to the registered owner or person entitled to possession of the vehicle by affixing on the windshield or some other conspicuous place on the vehicle printed information indicating that the vehicle will be removed by the city on a specified date, that is at least 48 hours after the notice is affixed, unless the vehicle is moved by the owner or entitled possessor prior to that date.

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**ARTICLE V. – NUISANCES**

\* \* \*

**DIVISION 2. – LITTER**

\* \* \*

**Sec. 66-283.5. – Illegal dumping; enforcement; penalty; fees.**

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(c) (1) A motor vehicle impounded under this article is not subject to replevin, recognition of ownership for a thing wrongfully taken, and is deemed to be in the custody of the

39 superintendent of police. When a motor vehicle is seized under this article, the department  
40 of police shall (i) place the motor vehicle under seal; (ii) remove the motor vehicle to a  
41 place designated by the superintendent; or (iii) remove the motor vehicle to an appropriate  
42 location for disposition in accordance with law.

43 (d) (1) For any motor vehicle impounded under this article, the police department shall issue the  
44 operator a notice of violation of the provisions of this article and, within three days of  
45 issuing the notice of violation, shall provide a copy of the notice to the towing or storage  
46 company and to the department of safety and permits. The notice of violation serves as  
47 notice of administrative hearings rights.

48 (2) Upon request, the operator of the vehicle or vehicle owner may, within three business days  
49 from the date that the notice of violation was issued, present to the director of the  
50 department of safety and permits, or his or her designee, proof that the vehicle is exempt  
51 from seizure and forfeiture because it is subject to one of the exceptions enumerated in  
52 paragraph (b) of this section, at an administrative hearing held for that purpose. The owner  
53 of the vehicle may request, and the director of the department of safety and permits, or his  
54 or her designee, may grant, an extension of time beyond the three days within which a  
55 hearing must be held. Upon its own motion, where appropriate, the director of the  
56 department of safety and permits, or his or her designee, may extend the hearing date until  
57 after the disposition of any criminal violations for illegal dumping. If the owner fails to  
58 provide proof of the fact that the vehicle is not subject to seizure and forfeiture at the time  
59 the notice of violation was issued, the director of the department of safety and permits, or  
60 his or her designee, shall coordinate with the appropriate agency to institute forfeiture  
61 proceedings.

(3) The administrative hearing shall be limited to a review of the issue of whether the vehicle was engaged in illegal dumping, as defined in 66-282(b) through (c), at the time of the alleged violation. The report and/or affidavit of the investigating law enforcement officer shall be prima facie proof of the violation, and the owner or operator shall have the burden of proving that the vehicle was not engaged in illegal dumping at the time of the violation. The owner or operator may present the testimony of any witnesses at the hearing, including the officer issuing the violation, to establish that the owner or operator was not in violation with the law at the time of the alleged violation.

Any action for judicial review of the decision from the administrative hearing shall be in the same manner and under the same conditions as provided in chapter 6, administrative procedures. No court shall issue an injunction, stay or other process preventing the enforcement of the sanctions required by this part pending the hearing provided for in this part, except as provided by R.S. 49:964.

(4) Notwithstanding any other provision of law to the contrary, a motor vehicle may not be released from impoundment until the superintendent of police, or their designee, receives written proof that all requirements of this section are met.

(5) If a passenger in the motor vehicle is under the age of 12, the driver of or a passenger in the motor vehicle is handicapped, or when considering the location and the time of day of the stop, the law enforcement officer believes a threat to the public safety or to the occupants in the motor vehicle is possible, the officer may transport the persons from the motor vehicle to an appropriate location or obtain commercial transportation to be paid for by the persons needing transportation.

(6) The towing of vehicles shall utilize the police department call allocation list established in chapter 162. All towing, storage and other such fees contained in this section shall be

consistent with the current schedule of prescribed rates and requirements for non-consensual towing and recovery services issued by the Louisiana Public Service Commission.

\* \* \*

(g) Any property contained in or dumped by the motor vehicle at the time of seizure may be held for evidentiary purposes until the forfeiture proceeding is concluded, or the law department determines that the property is no longer needed for evidentiary purposes. Any property that is not needed for evidentiary purposes may be returned to the person who has a right of claim to the property. The department of police may dispose of any solid waste contained in the motor vehicle at the time of seizure and collect up to three times the cost and expense incurred for the proper disposal.

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**Sec. 66-284. – Reserved.**

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## **ARTICLE VI. – BOOTING OF MOTOR VEHICLES ON PRIVATE PROPERTY AND PRIVATE PARKING AREA**

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**Sec. 66-403. – Booting service business requirements.**

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(m) In the event the booted motor vehicle is not claimed within 24 hours, the person who authorized the boot to be placed shall notify the department of police and the state police with the vehicle's description and location. If the vehicle has been reported stolen, the boot shall be removed at no cost. If the vehicle has not been reported stolen, the person who authorized the boot to be placed shall have the boot removed at no cost and have a towing company

110 registered with the department of police remove the vehicle before the end of the 36-hour  
111 period the boot was first placed. The towing company shall follow all regulations established  
112 by the city and state regarding such a procedure. There shall be no charge for removal of the  
113 boot to the towing company or the motor vehicle owner or operator.

114 \* \* \*

1 **SECTION 2. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**  
2 **ORDAINS** that sections 154-2, 154-13, 154-56, 154-142, 154-651, 154-681, 154-682, 154-778,  
3 154-811, 154-812, 154-815, 154-874, 154-921, 154-1037, 154-1040, 154-1041, 154-1082, 154-  
4 1092, 154-1137, 154-1139, 154-1140, 154-1141, 154-1146, 154-1301, 154-1302, 154-1303, 154-  
5 1305 – 154-1312, 154-1563, 154-1702, and 154-1704 of Chapter 154 of the Code of the City of  
6 New Orleans, Louisiana are amended to read as follows:

7 **“Chapter 154 – TRAFFIC AND VEHICLES**

8 **ARTICLE I. – IN GENERAL**

9 \* \* \*

10 **Sec. 154-2. – Definitions.**

11 The following words, terms and phrases, when used in this chapter, shall have the meanings  
12 ascribed to them in this section, except where the context clearly indicates a different meaning:

13 \* \* \*

14 *Department* means the department of public works, its successor, or an authorized  
15 representative as determined by the director of the department. As used in article XVII, department  
16 means the department of police.

17 *Director* means the director of the department of public works.



- (1) Determine the installation and proper timing and maintenance of traffic control devices;
- (2) Conduct engineering analyses of traffic accidents and devise remedial measures;
- (3) Conduct engineering investigations of traffic conditions;
- (4) Determine the locations of loading zones, metered spaces and designate all other on-street parking spaces;
- (5) Cooperate with other city officials in ways and means to improve traffic and parking conditions; and
- (6) Carry out additional powers and duties imposed upon him by laws of the city.

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### **ARTICLE III. – TRAFFIC COURT OF NEW ORLEANS**

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#### **DIVISION 2. – PROCEDURE**

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##### **Sec. 154-142. – Initiation of proceedings by affidavits in municipal and traffic courts.**

All proceedings in the municipal and traffic courts shall be initiated by affidavit, which shall consist of the sworn statement of the complainant, police officer, or employee of the department of police authorized to issue parking violations notices, filed with the court on a form provided by the respective court. The city attorney's office may also initiate prosecutions by affidavit on information and belief in the municipal and traffic courts.

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### **ARTICLE VIII. – STOPPING, STANDING, PARKING**

#### **DIVISION 1. – GENERALLY**

**Sec. 154-651. – Definitions.**

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

\* \* \*

*Self-releasing boot* means a device used immobilize a motor vehicle that attaches to its tire or wheel and has a unique locking mechanism that can only be opened with an authorized combination code.

\* \* \*

**DIVISION 2. – ADMINISTRATION AND ENFORCEMENT**

**Sec. 154-681. – Division of parking—Created.**

There is hereby created and established within the department of police, under the supervision and direction of the superintendent of police, a division to be known and designated as the "division of parking" headed by the public parking administrator who shall be appointed by the superintendent of police, in accordance with civil service law.

**Sec. 154-682. – Same—Powers, duties.**

The public parking administrator shall exercise such powers and duties as are provided in this chapter or in state laws. In particular, the public parking administrator shall:

- (1) Enforce regulations involving parking as described in this chapter;
- (2) Cooperate with other city officials, private citizens and commercial agencies in ways to improve parking conditions;
- (3) Carry out additional powers and duties imposed by the laws of the city.

\* \* \*

**DIVISION 3. – SEIZURE OR IMMOBILIZATION OF CERTAIN VEHICLES**

**Sec. 154-778. – Immobilization for unpaid parking fines and penalties; impoundment; procedure for release; hearing.**

(a) The parking division or other duly authorized agency may immobilize, tow, or impound any vehicle with three or more adjudicated parking citations if any assessed fees, fines, or penalties related to the adjudicated parking citations remain unpaid.

(b) The parking division, or other duly authorized agency shall release a vehicle immobilized or impounded pursuant to this section only to the vehicle's registered owner or his authorized agent if all outstanding fines and penalties assessed by the parking adjudication bureau and recorded against the vehicle and any towing, immobilization or storage fees are paid in full or covered by a cash or surety bond.

(c) For a vehicle immobilized by means of a self-releasing boot, the parking division shall provide the authorized combination code to remove the boot only to the vehicle's owner or his authorized agent if all unpaid parking fines and penalties and the boot fee are paid in full. The parking division shall assist upon the request of the vehicle owner or his authorized agent with removal of the self-releasing boot.

If the self-releasing boot is not returned to the parking division within one business day following removal, the parking division shall assess the vehicle owner a fine of \$25.00 per day up to a maximum fine of \$500.00.

(d) If the person whose vehicle has been immobilized or impounded deposits a bond as provided in subsection (b)(2), such person shall be issued a notice to appear for a hearing. The scope of the hearing provided under this section shall be limited to the determination as to whether the vehicle immobilized or booted belongs to the owner or the owner's agent

and the owner or the owner's agent (i) failed to appear at a hearing when required to do so, or (ii) having admitted liability for a parking offense, failed to pay the fines and penalties assessed by the parking adjudication bureau, or (iii) having been found liable for the parking offense, failed to pay the fines and penalties assessed by the parking adjudication bureau. The parking division shall provide an expedited hearing within three business days of written request therefor from the owner, or his authorized agent, of the impounded or immobilized vehicle.

(e) If a vehicle is immobilized for unpaid parking fines and penalties as provided in subsection (a), an immobilization fee as set forth in section 154-777 shall be assessed. If such fee is deposited in the form of a cash bond and the responsible person is found not liable for all parking fines and penalties for which the vehicle was immobilized, such bond will be returned to the depositor or the depositor's agent.

(f) If the vehicle impounded has not been reclaimed within 24 hours of the time of impoundment, the department of police shall notify the vehicle's last owner of record (as determined by the license tag or VIN thereof) of the place of impoundment of the vehicle.

(g) If a person whose vehicle has been impounded or immobilized deposits a bond as provided in subsection (b)(2), such a bond will be subject to forfeiture if such person fails to pay fines and/or penalties assessed by the parking adjudication bureau within six months after assessment.

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**DIVISION 4. – DISPOSITION OF UNCLAIMED VEHICLES**

**Sec. 154-811. – Abandoned vehicles—Sale or use.**

(a) Any motor vehicle seized or otherwise held by the police department pursuant to this chapter for a period of three months or more without being claimed is deemed abandoned to the city.

(b) Upon the approval of the chief administrative officer and the superintendent of police, any department may use an abandoned vehicle held by the police department for at least six months. The department head shall make a written request to the chief administrative officer and the superintendent of police, identifying the vehicle by VIN, make, and model, and its intended use.

(c) The department of police shall comply with the provision of La. R.S. 32:476, the Louisiana Towing and Storage Act, and the Louisiana Department of Public Safety, Office of Motor Vehicles policies regarding abandoned vehicles for sale or use by municipalities and parochial authorities.

**Sec. 154-812. – Storage fee after sale.**

(a) Within six days after the consummation of the sale of unclaimed vehicles, the purchasers shall remove such vehicles from city property, or shall be subject to storage fees as set forth in section 154-777.

(b) For the purpose of this section, the six-day period shall commence at 8:00 a.m. on the day after the consummation of the sale, and the storage fee shall commence at 4:00 p.m. on the sixth calendar day thereafter provided the sixth day does not fall on a Sunday or a holiday, in which case the storage fee shall not commence until the next legal day following.

(c) For the purpose of this section, the storage fee shall be imposed for any fraction of a day in excess of six days.

\* \* \*

**Sec. 154-815. – Record of charges and sales.**

The department of police shall keep a complete record of all monies collected by it for storage and towing charges with details as to the date, the amount, and the name of the person making such payment, and shall also keep a true and correct record of all unclaimed or unidentified vehicles sold at public auction by virtue of this division. Such record shall be, at all times, open to public inspection.

\* \* \*

**DIVISION 5. – PARKING GENERALLY**

\* \* \*

**Sec. 154-874. – Restricted areas of parking spaces for registered individuals with disabilities.**

(a) No person may stop or park a vehicle in an appropriately signed parking space for persons with disabilities except those vehicles bearing (i) a handicapped license plate, a disabled veteran license plate, handicapped parking card issued by the state, or parking card bearing the international symbol of accessibility prominently displayed on the dashboard of the driver's side of the vehicle issued pursuant to La. R.S. 47:463.4 or 467.463.4.1, or; (ii) a vehicle registered in another state and bearing that state's official designation for the handicapped, or; (iii) removable windshield placards, temporary removable windshield placards and special license plates which have been issued by issuing authorities of other countries, for the purpose of identifying vehicles permitted to utilize parking spaces reserved for persons with disabilities for any person with disabilities who is temporarily in

175 this state and who is not required to obtain Louisiana license plates. This will include  
176 appropriately signed parking spaces on any street, publicly owned and operated parking  
177 facilities, public facilities or public facilities for accommodation, and privately owned  
178 parking facilities subject to the provisions of the Americans with Disabilities Act. For the  
179 purpose of this section, a "public facility" and "public facility for accommodation" include  
180 parking spaces belonging to privately owned parking areas covered by the Americans with  
181 Disabilities Act.

182 (b) Any person who uses any appropriately signed parking spaces for persons with disabilities  
183 shall be in violation of this section if the vehicle was not used for the transportation of the  
184 person for whom the license plate or parking card specified in paragraph (a) of this section  
185 was issued.

186 (c) When a motor vehicle bearing plates or displaying a hang tag issued to a mobility-impaired  
187 person or person with disabilities is being operated for the transport of the mobility-  
188 impaired person or person with disabilities, the motor vehicle may be parked for up to a  
189 maximum of three hours without payment, regardless of meter fares otherwise applicable  
190 to the parking space. This provision shall apply except where ordinances or police  
191 regulations prohibit parking on a highway for the purpose of creating a fire lane or where  
192 the ordinances or police regulations provide for the accommodation of heavy traffic during  
193 morning, afternoon, or evening hours or where the motor vehicle is parked in such a manner  
194 as to clearly be a traffic hazard.

195 (d) This section may be enforced by any person, duly authorized by the superintendent of  
196 police.

(e) Any person who violates the provisions of this section shall be fined \$500.00. In addition to such fine, the offender shall be required to pay all court costs plus all towing fees and storage costs, if any.

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#### **DIVISION 6. – STOPPING FOR LOADING OR UNLOADING**

##### **Sec. 154-921. – Designation of loading zones, freight only, freight zones, passenger zones, freight handling and service truck zones, and service zones.**

(a) The city traffic engineer shall determine the location of loading zones, freight only, freight zones, passenger zones, freight handling and service truck zones, and service zones and shall designate, modify and sign, indicating them as such for the use of all appropriate vehicles as specified in this chapter.

(b) The zones authorized in subsection (a) of this section shall be established when it is deemed necessary to facilitate an overall parking program, to promote safety, or to improve the flow of traffic at a particular location. These zones shall be enforced according to the signage installed at the location, and the policies and regulations set forth by the parking division of the police department, in accordance with this Code.

(c) At the discretion of the city traffic engineer, loading zones, freight only, and freight zones may be in effect on a limited basis as indicated by signage.

\* \* \*

#### **DIVISION 8. – STOPPING OR PARKING PROHIBITED IN CERTAIN PLACES**

\* \* \*

##### **Sec. 154-1037. – Parking of vehicles equipped with living accommodations prohibited during certain hours.**

(a) No person may park a vehicle which is equipped with living accommodations with an overall length in excess of 22 feet on any street between the hours of 7:00 p.m. and 7:00 a.m. Any citations issued under this section and resulting administrative proceedings shall be dismissed upon receipt of written notification from the vehicle's owner or lessee and verification by the parking division of the department of police that the vehicle was legally registered or leased to an individual who resides on the same block on which the vehicle was parked when the citation was issued for apparent violation of this section.

(b) For the purpose of this section, a vehicle with living accommodations is defined as any motor vehicle that contains any one or more of the following things that are capable of being used for their originally intended purpose:

- (1) Sinks.
- (2) Wash facilities.
- (3) Lavatories.
- (4) Mattresses.
- (5) Stoves.
- (6) Tables.
- (7) Refrigerators.

\* \* \*

**Sec. 154-1040. – No stopping or parking near hazardous or congested places.**

The city traffic engineer may determine and designate, by proper signs, places not exceeding 150 feet in length in which the stopping or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic, and when such signs are erected no person shall stop or park a vehicle in any such designated place.

**Sec. 154-1041. –Parking next to schools.**

The city traffic engineer may erect signs indicating no parking upon that side of any street adjacent to any school property when parking would, in his opinion, interfere with traffic or create a hazardous situation, and when such signs are erected no persons shall park a vehicle in any such designated place.

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**DIVISION 9. – PARKING METERS**

\* \* \*

**Sec. 154-1082. – Enforcement.**

The regulations pertaining to multispace pay stations, single/double space parking meters and OPS, as set forth by this article, shall be enforced by the division of parking within the department of police, and such other officers as are authorized by the superintendent of police.

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**Sec. 154-1092. – Use by city field representatives.**

(a) Any field representative of a department of city government when engaged in official business who displays a valid field representative parking permit on the inside of the vehicle on the right side of the rear windshield (rear windshield of the passenger side), or whose vehicle license plate is registered as a valid field representative in the OPS, while parking in any metered zone described below, shall not be required to deposit a coin or be charged via OPS for the use of the parking space for that period of time when actually on official duty; provided, however, that no such vehicle shall be parked in the same space for more than four consecutive hours. Any metered parking space within the city with the exception of the off-street metered parking spots located adjacent to city hall on LaSalle

Street and on Poydras Street shall be available for a maximum of four consecutive hours for approved use by properly authorized employees who are field representatives of a department of city government.

(b) Employees described in subsection (a) may obtain a serially numbered parking permit decal from the superintendent of police or have the vehicle registered as a valid field representative vehicle in the OPS.

(c) These permits may be issued by the superintendent of police only to appropriate employees described in subsection (a) and shall bear an expiration date of December 31 of each calendar year. These permits may be renewed by the superintendent on January 1 of each year and shall be valid for 12 consecutive months.

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#### **DIVISION 10. – RESIDENTIAL PERMIT PARKING PROGRAM**

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##### **Sec. 154-1137. – Penalties for violation.**

(a) Any person parking a motor vehicle not displaying a valid permit in a residential permit parking zone for a period exceeding the time limitation established shall be subjected to a fine, as set forth in section 154-699.

(b) The parking administrator may temporarily suspend enforcement of the regulations and/or limitations of a residential permit parking zone at the direction of the superintendent of police when needed to safeguard the public or for good cause shown.

\* \* \*

##### **Sec. 154-1139. – Eligibility requirements.**

(a) A residential area is eligible for residential permit parking if, based on objective criteria established by the city traffic engineer, parking therein is impacted by commuter vehicles.

(b) In determining the appropriate designation of an area identified as eligible for residential permit parking or special permit parking zone, the city traffic engineer shall take into consideration the following factors:

- (1) The extent of the desire and need of the residents for appropriate designations and their willingness to bear the administrative costs in connection therewith.
- (2) Proximity of the neighborhood to major parking attractors, including employment centers, retail stores, restaurants, universities, hospitals, and tourist attractions.
- (3) Proximity of the neighborhood to transit service.
- (4) Scarcity of convenient off-street parking for residents.
- (5) The extent to which motor vehicles registered to persons residing in the residential area cannot be accommodated by the number of available off-street parking spaces.
- (6) Substantial use of neighborhood curb space by commuters and other nonresidents for parking. Substantial use is defined as 25 percent or more of non-resident vehicles in the area under consideration during peak parking space usage times.
- (7) Traffic, noise and safety problems caused by vehicles cruising for parking.

**Sec. 154-1140. – Designation procedures.**

(a) In order to determine whether a particular area should be designated as a residential permit parking zone or special permit parking zone, the city traffic engineer or his designee shall conduct, upon his own initiative or upon request of the city council, a public forum prior to the designation or removal of the designation of a parking permit zone, or prior to the withdrawal of such designation once it is established. Such forum shall be held only after due notice has been published in the city's official journal. The notice shall clearly state the purpose of the forum, the boundaries of the permit parking zone under consideration, the

reasons why such area is being proposed for designation, and, if applicable, the proposed parking fee that would be charged. During such forum any interested person shall be entitled to appear and be heard.

- (b) Within 15 days following the close of the public forum, the city traffic engineer shall recommend by report to the city council whether to designate the area under consideration as a residential permit parking zone or special permit parking zone, specifying the times or limitations recommended and proposed fees, or whether to remove the designation in the case of an established residential permit parking zone or special permit parking zone. Within 30 days following the receipt of the report, the council shall approve or disapprove the recommendation of the city traffic engineer, except special permit parking zones may be modified as deemed necessary by the council, as provided herein.

**Sec. 154-1141 – Implementation; application for permit.**

- (a) Once a residential permit parking zone or special permit parking zone is approved by the city council, implementation on a particular street shall be contingent on the following criteria:

- (1) The street is primarily residential.
- (2) A majority of the households signed a petition seeking residential or special parking status for their block.
- (3) At least 75 percent of the legal on-street parking spaces must be occupied during the period proposed for parking restrictions, as determined by the city traffic engineer.

(b) The city\_traffic engineer or his designee shall install parking signs indicating times, locations and conditions under which parking is by permit only on the streets designated as the residential permit parking zone or special parking zone.

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**Sec. 154-1142. – Permit fee.**

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**Sec. 154-1146. – Visitor and non-resident permits.**

\* \* \*

(b) *Daily visitor permit.*

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(4) No single residential parking permit or valid student permit holder shall be permitted to be issued or possess more than one daily visitor permit at any one time. A waiver of this limitation may be granted by the parking administrator subject to approval by the superintendent of police or their designee.

(c) *Residential property owner permit.*

\* \* \*

(3) No single real property address shall be permitted to be issued or possess more than one residential property owner permit. A waiver of this limitation may be granted by the parking administrator subject to approval by the superintendent of police or their designee.

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**Sec. 154-1147. – Misrepresentation by applicant; illegal use of transfer of permit.**

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**ARTICLE XI. – INSPECTION OF VEHICLE**

\* \* \*

**DIVISION 2. – MOTOR VEHICLE INSPECTION**

**Sec. 154-1301. – Established.**

- (a) There is hereby established in the department of police a motor vehicle inspection bureau.
- (b) The superintendent of police or a designated representative is authorized to make such administrative rules and regulations as may become necessary to carry out and make effective the provisions of this article.

**Sec. 154-1302. – General authority.**

- (a) The department of police shall inspect or cause to be inspected all vehicles registered within the City of New Orleans to determine whether such vehicles are in safe operating condition and are equipped with functioning safety devices required by the laws of the city and state and are adequately covered by liability insurance as required by La. R.S. 32:861 et seq.
- (b) The department of police shall maintain or authorize operation of one or more motor vehicle inspection stations within the City of New Orleans.
- (c) Subject to the discretion of the superintendent, the department of police may authorize satellite inspection stations to perform motor vehicle inspections on its behalf.
- (d) For purposes of this chapter, a "satellite inspection station" is defined as a facility authorized by the motor vehicle inspection bureau to conduct motor vehicle inspections on behalf of the department of police, subject to the inspection standards outlined in this chapter.

(e) For the purposes of this chapter, a "commercial vehicle" is defined as any self-propelled or towed vehicle used on public roads and highways in commerce to transport passengers or property when:

(1) The vehicle has a gross vehicle weight rating or gross combination weight of 10,001 pounds or more;

(2) The vehicle is designed to transport more than ten passengers, including the driver.

**Sec. 154-1303. – Vehicle inspection required.**

(a) No person shall operate a vehicle owned by a resident of this state upon the streets of the City of New Orleans unless it bears a current safety inspection certificate (brake tag) from the municipality where the vehicle is registered, or if such municipality does not require such safety inspection certificate, then from the state. All vehicles registered in the City of New Orleans shall be presented to the department of police or an authorized inspection station at least once every other year, except as may be otherwise provided in this section. Such an inspection shall be performed within 60 days after the month the vehicle was acquired or newly registered in the State of Louisiana after being transferred from another state.

(b) Vehicles with a gross vehicle weight rating of 10,000 pounds or less are eligible for a two-year inspection certificate only if the vehicle age is ten years or less. For purposes of this article, the term "vehicle age" shall be determined based on the vehicle's model year, and a "year" shall be measured through the last day of that respective calendar year (for example, a vehicle with a model year of 2000 shall have a vehicle age of one year as of January 1, 2001).

(c) Vehicles with a gross vehicle weight rating of 10,001 pounds or greater shall be presented to the department of police or an authorized inspection station on an annual basis and shall not be entitled to a two-year inspection certificate.

(d) The annual inspection period shall begin on January 1 of each year; the reinspection month shall be determined by the month and year indicated on each particular vehicle's previous inspection certificate.

\* \* \*

**Sec. 154-1305. – Motor vehicle inspection standards.**

(a) The superintendent of police is authorized to promulgate administrative rules and regulations for the inspection of motor vehicles to further the purpose and intent of this article. Rules and regulations so promulgated shall supersede and take precedence over standards of the Louisiana Department of Public Safety and Corrections.

(b) In the absence of administrative rules and regulations established by the superintendent of police, motor vehicle inspections within the City of New Orleans will be conducted in compliance with the standards promulgated by the Secretary of the Louisiana Department of Public Safety and Corrections, unless such standards conflict with the provisions of this article, in which case this article shall govern.

**Sec. 154-1306. – Issuance of certificate.**

(a) Upon determining that a vehicle is equipped with functioning safety devices, as required by the laws of the city and state, and is adequately covered by liability insurance as required by state law, and upon collection of fees for such inspection as set forth in section 154-1307 of this chapter, the department of police shall attach or cause to be attached an

inspection certificate to the lower left side of the windshield of such vehicle. Inspection certificates shall expire on the last day of the month indicated on the face of the certificate.

- (b) Vehicles which fail to pass inspection shall be issued a card showing the mechanical faults or indicating that proof of liability insurance as required by law has not been provided. A period of not more than 30 days shall be allowed in which to make necessary repairs or to provide proof of liability insurance as required by law, and such rejection card shall be a substitute for the inspection certificate during such period. Vehicles that pose a specific road safety hazard are restricted to driving no more than 20 miles within a 30-day period in order to make necessary repairs.

**Sec. 154-1307. – Fees.**

- (a) Inspection stickers:

- (1) The fees to be paid by the owner or operator of a vehicle for an annual inspection certificate under this chapter shall be as follows:

- i. Commercial vehicles shall pay a fee of \$60.00.
- ii. All other vehicles shall pay a fee of \$25.00.

- (2) The department of police shall collect from the operator of permitted satellite inspection stations the following amount per annual inspection certificate issued:

- i. All inspection certificates for commercial vehicles, as defined in this chapter: \$20.00.
- ii. Inspection certificates for all other vehicles: \$12.50.

- (b) Late fees shall be assessed at a rate of \$2.00 per month beginning on the first day of the calendar month following expiration, or 60 days after the month the vehicle is acquired or

newly registered in the state of Louisiana after being transferred from another state. Late fees shall not exceed the price of an annual inspection certificate.

(c) All fees for inspection certificates and late fees shall be collected by an approved inspector and remitted to the department to be deposited into the general fund of the city. Payment for late fees shall be submitted no more than 15 days after being collected.

(d) For inspection certificates providing two years of validity as set forth in this chapter; the fee for such certificates shall be equivalent to the fee required for two annual inspections.

(e) Fees for satellite inspection stations:

(1) Permitted satellite inspection stations shall remit an annual fee of \$25.00 to the department of police plus an annual fee of \$5.00 for each inspector named on the permit application.

(2) If additional inspectors are added subsequent to the new or renewal application, the satellite inspection station shall remit the \$5.00 fee when that inspector is submitted to the department of police for approval.

**Sec. 154-1308. – Motor vehicle inspection stations, generally.**

(a) Motor vehicle inspection stations shall conduct vehicle inspections throughout the calendar year.

(b) Inspection stations shall display signage as proscribed by the superintendent providing information including, but not limited to, hours of motor vehicle inspections, types of vehicle inspections performed, and standards for inspections.

(c) Restrooms must be available within the facility for use of customers.

(d) All motor vehicle inspections must be conducted on the premises of the approved inspection station and must be conducted on a hard surface (concrete or asphalt).

Notwithstanding any law, rule or administrative policy to the contrary, inspection stations are not required to reserve a service bay or stall for the exclusive purpose of conducting motor vehicle inspections.

- (e) For inspecting vehicles with a gross weight rating below 10,001 pounds, inspection stations must have available space to conduct a 20 mile per hour road test approved by the department of police. Alternatively, a properly installed and calibrated brake testing machine may be utilized in lieu of the road test. For inspecting commercial vehicles, as defined in this chapter, stations shall meet all standards outlined in Title 55 of the Louisiana Administrative Code.

\* \* \*

- (l) Inspection stations shall maintain an inventory of certificates of inspection adequate to satisfy the needs of the public, subject to the determination and standards of the department of police.

**Sec. 154-1309. – Satellite inspection stations, specifically.**

- (a) For the purpose of making inspections and issuing official inspection certificates, as provided within this article, the superintendent of police may issue permits for and furnish instructions to satellite inspection stations for the inspection of vehicles as required by this chapter.
- (b) Application for a satellite inspection station permit shall be made upon an official form provided by the superintendent for that purpose, and may be granted when the superintendent is satisfied that the station is properly equipped, has adequately trained personnel to perform such inspections, and that inspections will be conducted in accordance with the laws of the city and state.

- (c) The superintendent shall supervise and cause inspections to be made of such satellite inspection stations and shall suspend and/or revoke and require surrender of any permit issued to a station which is not properly equipped or where inspections are not properly conducted.
- (d) The superintendent shall suspend and/or revoke and require surrender of any permit issued to a station when such station issues an inspection certificate in violation of this article, the Code of the City of New Orleans, or state law.
- (e) Satellite inspection stations permits shall not be assigned, transferred, or used at any location other than therein designated and every permit shall be posted in a conspicuous place at the location designated.
- (f) Satellite inspection station operators are responsible for the safekeeping of motor vehicle inspection certificates purchased for use by that station from the department of police. If inspection certificates are lost, stolen, destroyed, or otherwise rendered unusable, no refund of fees or replacement certificates shall be issued by the superintendent.
- (g) Qualification for satellite inspection stations:
- (1) Any business seeking approval as a satellite inspection station must guarantee inspections will be conducted in accordance with this article for a minimum of 40 hours per week.
    - i. Subject to the determination of the superintendent of police, approval of a satellite inspection station may be conditioned upon a guarantee of operation on specific days or during specific times to ensure adequate service to the public.

(2) Satellite inspection stations shall only be approved at locations operating under the use classification of "gas station," "motor vehicle service and repair, major", "motor vehicle service and repair," or "car wash" with permanent structures and sewerage and water board approved drainage in compliance with the standards of the Comprehensive Zoning Ordinance.

(3) Businesses applying for approval as a satellite inspection station must have been in operation for a minimum of 90 days at the time of application, as evidenced by the business's occupational license issued by the department of finance.

(4) Satellite inspection stations are required to submit and maintain a surety bond for the amount of \$5,000.00 to provide for any damages which may occur to private vehicles during inspection due to negligence on the part of the satellite inspection station or its employees.

(5) Satellite inspection stations shall have a minimum of two approved motor vehicle inspectors on staff and registered with the department of police, with at least one approved motor vehicle inspector on duty during all inspection hours to perform motor vehicle inspections.

(6) Permitted satellite inspection stations shall inspect and issue inspection certificates to the owner or operator of private motor vehicles in accordance with the fees outlined in section 154-1307(a)(1) of this chapter.

(h) Satellite stations are required to record each inspection performed, along with all inspection certificate serial numbers and late fees collected, in the format required and frequency specified by the department of police.

**Sec. 154-1310. – Approved motor vehicle inspectors.**

- (a) All personnel employed by the satellite inspection station for the purpose of conducting motor vehicle inspections shall be approved and licensed by the department of police.
- (b) No person shall be approved as a motor vehicle inspector that has not completed motor vehicle inspection training approved by the Louisiana Department of Public Safety. Evidence of completion shall be submitted to the department of police. Any inspector that has been unlicensed for a year or more must be retrained before inspecting any vehicle.
- (c) Persons performing inspections on commercial vehicles, as defined in this chapter, shall be a current ASE (Automotive Service Excellence) Certified Diesel Mechanic or have an equivalent accreditation. Proof shall be provided to the department each time an inspector's application is submitted for review.

**Sec. 154-1311. – Fleet inspection stations.**

- (a) Any person, corporation, partnership, or other business entity owning or holding leases for more than ten motor vehicles registered in New Orleans and operating at least one vehicle repair and maintenance shop, may, upon request, have one or more of their vehicle repair and maintenance shops designated as fleet inspection stations for the purpose of inspecting and certifying those motor vehicles which are owned or leased by him.
- (b) Such fleet inspection stations are required to maintain compliance with all applicable provisions of sections 154-1308, 154-1309, and 154-1310.
- (c) Permitted fleet inspection stations shall remit an annual fee of \$25.00 to the department of police plus an annual fee of \$5.00 for each inspector named on the permit application.
- (1) If additional inspectors are added subsequent to the new or renewal application, the fleet inspection station shall remit the \$5.00 fee when that inspector is submitted to the department of police for approval.

(d) The department of police shall collect from the operator of permitted fleet inspection stations the full amount of inspection certificates as provided in section 154-1307(a)(1).

**Sec. 154-1312. – Misrepresentation and false certificates.**

(a) No person shall, in any manner, represent any place or business as a satellite or fleet inspection station unless such station is operating pursuant to a valid permit issued by the department of police.

(b) No person other than an approved motor vehicle inspector shall issue an inspection certificate on behalf of the department of police or a permitted satellite or fleet inspection station.

(c) No person shall use, possess, display or cause to be displayed upon any vehicle any inspection certificate knowing same to be fictitious, fraudulent, issued to a vehicle other than the one to which it was recorded, or issued without a complete inspection having been made.

\* \* \*

**ARTICLE XIV. – TRUCK AND OVERSIZED VEHICLES**

\* \* \*

**DIVISION 3. – ENFORCEMENT AND PENALTIES**

\* \* \*

**Sec. 154-1563. – Violations and penalties.**

(1) Proceedings for violations of this article shall be initiated by affidavit and will be heard in traffic court, pursuant to Chapter 154 Article III of the Code of the City of New Orleans.

(2) The penalty for a violation of this section shall be \$500.00 for the first offense and \$1,000.00 for the second or subsequent offense.

(3) The penalties provided by this section shall be in addition to any other penalty imposed by any other provision of law or regulation thereunder.

(4) In addition to the fines established by this section, violation of this article by a person who owns, manages, operates, or otherwise controls a vehicle covered by this article may result in the suspension or revocation of any permit or license issued to the person by the department of police for the vehicle in violation.

(5) Lack of a sign or signage shall not be a defense for a citation or other penalty issued for a violation of any section of this article.

\* \* \*

## **ARTICLE XVII. – AUTOMATED TRAFFIC ENFORCEMENT SYSTEM**

\* \* \*

### **Sec. 154-1702. – Administrative adjudication procedure; appeals; fees.**

(a) A person who receives a notice of violation may contest the imposition of the civil penalty by appearing before the administrative adjudication bureau on or before the scheduled hearing date.

(b) Administrative adjudications of violations of this section shall be conducted by the parking adjudication bureau established by sections 154-681 through 154-685. In conducting administrative adjudication hearings of violations of this section, the parking adjudication bureau shall have the powers and duties conferred by section 154-685.

(c) Failure to pay a civil penalty or to challenge liability in a timely manner is a waiver of the right to appeal under subsection 154-1702(h).

(d) The civil penalty shall not be assessed if, after a hearing, the hearing officer enters a finding of no liability.

(e) In an administrative adjudication hearing, the issues must be proved at the hearing by a preponderance of the evidence. The reliability of the automated traffic enforcement system used to produce the recorded image of the violation may be attested to in an administrative adjudication hearing by affidavit of a sworn law enforcement officer or the department of police. An affidavit of a sworn law enforcement officer or from the department of police that alleges a violation based on an inspection of the pertinent recorded image is admissible in a proceeding under this article and is evidence of the facts contained in the affidavit.

(f) A vehicle owner may prove by a preponderance of the evidence at the hearing that any of the following circumstances apply and thereby qualifies as an affirmative defense to the imposition of civil liability.

(1) The operator of the motor vehicle was acting in compliance with the lawful order or direction of a law enforcement or public safety officer;

(2) The operator of the motor vehicle violated the instructions of the speed limit sign in an effort to move out of the way of an immediately approaching authorized emergency vehicle;

(3) The motor vehicle was being operated as an authorized emergency vehicle under La. R.S. 32:24, and the operator was acting in compliance with La. R.S. 32:24;

(4) The motor vehicle was being operated by a person other than the owner of the vehicle without the consent of the owner, express or implied.

(5) The license plate depicted in the recorded image of the violation was a stolen plate and being displayed on a motor vehicle other than the motor vehicle for which the plate had been issued, if at the time of the violation the motor vehicle displayed a stolen plate, which must include proof acceptable to the hearing officer to prove

629                   that the theft of the vehicle or license plate had been timely reported to the  
630                   appropriate law enforcement agency.

631           (6)     The person who received the notice of violation was not the owner of the motor  
632                   vehicle at the time of the violation; or

633   (g)     Notwithstanding anything in this article to the contrary, a person who fails to pay the  
634           amount of a civil penalty or to challenge liability in a timely manner is entitled to a new  
635           administrative adjudication hearing date on the violation if:

636           (1)     The person files an affidavit with the hearing officer stating the date on which the  
637                   person actually received the notice of violation mailed to the person with an  
638                   explanation and necessary documentation that the failure to receive actual notice  
639                   before the initial hearing date was beyond the vehicle owner's control; and

640           (2)     The person files a request for an administrative hearing within 30 days from the  
641                   date of receipt of the notice of violation, as stated in the affidavit.

642   (h)     (1) The decision of the hearing officer shall be the final decision on behalf of the city. A  
643           person or persons aggrieved by such a decision may appeal such a decision to the traffic  
644           court, which shall have exclusive appellate jurisdiction of all such appeals. Any such appeal  
645           shall be filed within 30 days after the date of such decision. The traffic court shall have de  
646           novo review over such appeals.

647           (2)     The traffic court may require a reasonable fee not to exceed \$50.00, from any person  
648                   or persons lodging any such appeal with the traffic court to defray the cost of record  
649                   preparation, transcription of evidence, and other related costs of the appeal. No such  
650           appeal shall be processed until due proof has been furnished indicating that the  
651           appeal fee has been paid.

(3) Any appellant who pleads that because of appellant's poverty appellant is unable to pay the fee authorized in section 154-1702(h)(2) may take a pauper's oath in open court and if the judge, after querying the appellant, is satisfied that such is the case, the appellant shall allow the appeal to be taken in forma pauperis.

(4) The clerk of court shall deposit any fee(s) collected under this article in the traffic court judicial expense fund.

(i) In cases where a person charged with a violation shows good cause for not attending a hearing, either personally or through a representative, the hearing officer may permit the matter to be adjudicated by mail which adjudication shall be made within 60 days of the date of the citation. Letters, memoranda, affidavits, photographs or other documentary materials shall be admissible as evidence for the purposes of adjudications by mail. The hearing officer may exclude from consideration any material which is not relevant to the adjudication of the alleged violation. Failure of the person charged to proceed with an adjudication by mail after requesting and receiving permission to adjudicate by mail shall constitute an admission by the person charged of liability of the violation and shall subject the person who requested the adjudication by mail to the appropriate fines and costs assessed by the adjudication bureau.

(j) If a hearing examiner determines that an adjudication cannot proceed by mail, the adjudication bureau shall advise the person charged by first class mail that such person must appear to answer the charge at a hearing.

\* \* \*

**Sec. 154-1704. – Effect of liability; exclusion of civil remedy.**

- (a) The imposition of a civil penalty under this article shall not be considered a criminal conviction.
- (b) A civil penalty may not be imposed under this article upon the owner of a motor vehicle, if the operator of the vehicle was arrested or was issued a speeding citation and notice to appear by a law or public safety officer as a violation of La. R.S. 32:232, even if such violation was captured by the automated traffic enforcement system. The imposition of a civil penalty under this article is an alternative method of detecting and deterring red-light violations and speeding.
- (c) An owner who fails to pay the civil penalty or to timely challenge liability for the penalty is considered to admit liability for the full amount of the civil penalty stated in the notice of violation mailed to the vehicle owner, and the matter will be transmitted to the parking adjudication bureau of the city. The city attorney is authorized to file suit to enforce collection of unpaid fines and/or related fees and penalties imposed under section 154-1703 to secure such payments.
- (d) If the owner fails to timely respond to the second notice, the department of police is authorized to enforce the payment of this civil penalty and related fees by use of the following methods: immobilization of vehicles (booting), towing and impounding, reporting the debt to collection agencies/credit reporting agencies, and/or initiating actions through the court.

\* \* \*

1           **SECTION 3.** The provisions of this ordinance shall be effective May 31, 2026.

**ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS** \_\_\_\_\_

\_\_\_\_\_  
**PRESIDENT OF THE COUNCIL**

**DELIVERED TO THE MAYOR ON** \_\_\_\_\_

**APPROVED:**  
**DISAPPROVED:** \_\_\_\_\_

\_\_\_\_\_  
**MAYOR**

**RETURNED BY THE MAYOR ON** \_\_\_\_\_ **AT** \_\_\_\_\_

\_\_\_\_\_  
**CLERK OF COUNCIL**

**ROLL CALL VOTE:**

**YEAS:**

**NAYS:**

**ABSENT:**

**RECUSED:**

**ENGROSSED VERSION:**

**CHAPTER 66 – ENVIRONMENT**

\* \* \*

**ARTICLE III. – REMOVAL AND DISPOSITION OF ABANDONED AND NUISANCE MOTOR VEHICLES**

**Sec. 66-101. – Administration.**

The police department ~~New Orleans Police Department and the parking enforcement division of the department of public works~~ shall be responsible for the administration and enforcement of this chapter article, including. ~~The New Orleans Police Department and the parking enforcement division of the department of public works responsible for administering the removal and disposition of vehicles determined to be "abandoned" or a "nuisance" on the public streets and highways or on private property within the~~ city ~~City of New Orleans ("city")~~, and property owned by the city. The city may, on an annual basis, contract with private tow truck operators or towing businesses to remove, store, and dispose of abandoned vehicles and nuisance vehicles in compliance with this ~~chapter~~ article and applicable state laws. ~~Nothing in this chapter shall be construed to limit the legal authority or powers of officers of the department the city police department and fire department in enforcing other laws or in otherwise carrying out their duties.~~ **Any fees collected in the administration or enforcement of this article shall be transmitted to the department of finance for deposit in the general fund.**

**Sec. 66-102. – Definitions.**

For purposes of this ~~chapter~~ article, certain words and terms are defined as follows:

\* \* \*

- (b) *Policing authority or authority.* **Policing authority means the police department, or other authorized agency.** ~~The New Orleans Police Department, the parking enforcement division of the department of public works, and the city shall have the authority to enforce this chapter. All costs or fees arising from seizures in said city shall be transmitted to the director of the finance department to be deposited in the general fund.~~

\* \* \*

**Sec. 66-103. – Abandoned vehicle unlawful; removal authorized.**

\* \* \*

**Sec. 66-105. – Removal of abandoned or nuisance vehicles; pre-towing notice requirements.**

Except as otherwise provided in this article set forth in section 66-106 below, prior to towing an abandoned or nuisance vehicle the policing authority shall give notice shall be towed, pursuant to sections 66-107 and 66-108, only after notice has been given to the registered owner or person entitled to possession of the vehicle. In such instances, notice shall be given by affixing on the windshield or some other conspicuous place on the vehicle printed information indicating that the vehicle will be removed by the city on a specified date, that is at least (no sooner than 48 hours after the notice is affixed), unless the vehicle is moved by the owner or legal entitled possessor prior to this time that date.

\* \* \*

**ARTICLE V. NUISANCES**

\* \* \*

**DIVISION 2. LITTER**

\* \* \*

**Sec. 66-283.5. Illegal dumping; enforcement; penalty; fees.**

\* \* \*

(c) (1) A motor vehicle impounded under this section shall article is not be subject to replevin, recognition of ownership for a thing wrongfully taken, and is but shall be deemed to be in the custody of the director of the department of public works. superintendent of police. When a motor vehicle is seized under this chapter article, the director department of police shall: a. Place (i) place the motor vehicle under seal; b. — Remove (ii) remove the motor vehicle to a place designated by the director superintendent; or c. Remove (iii) remove the motor vehicle to an appropriate location for disposition in accordance with law.

(d) (1) a. For any motor vehicle impounded under this article, the police department shall issue the operator The motor vehicle shall be impounded and the operator shall be issued a notice of violation of the provisions of this article on a form to be provided by the director of the department of public works. and, within three days of issuing the notice of violation, shall provide a A copy of the notice of violation shall be provided to the towing or storage company and a copy shall be forwarded to the director of the department of safety and permits, or his or her designee within

~~three calendar days after the notice of violation was served.~~ The notice of violation shall ~~serve~~ serves as notice of administrative hearings rights.

(2)~~b.~~ Upon request, the operator of the vehicle or vehicle owner may, within three business days from the date that the notice of violation was issued, present to the director of the department of safety and permits, or his or her designee, proof that the vehicle is exempt from ~~not subject to~~ seizure and forfeiture because it is subject to one of the exceptions enumerated in paragraph (b) of this section, at an administrative hearing held for that purpose. The owner of the vehicle may request, and the director of the department of safety and permits, or his or her designee, may grant, an extension of time beyond the three days within which a hearing must be held. Upon its own motion, where appropriate, the director of the department of safety and permits, or his or her designee, may extend the hearing date until after the disposition of any criminal violations for illegal dumping. If the owner fails to provide proof of the fact that the vehicle is not subject to seizure and forfeiture at the time the notice of violation was issued, the director of the department of safety and permits, or his or her designee, shall coordinate with the appropriate agency to institute forfeiture proceedings.

~~(2) The director of the department of health shall formulate and promulgate rules and regulations for the implementation of the provisions of this section. To this end, no vehicle shall be seized and/or forfeited pursuant to the authority granted in this section until such rules are properly promulgated in accordance with law. However, this limitation shall not be construed so as to otherwise limit the enforcement of laws relative to illegal dumping.~~

(3) ~~a.~~ The administrative hearing shall be limited to a review of the issue of whether the vehicle was engaged in illegal dumping, as defined in 66-282(b) through (c), at the time of the alleged violation. The report and/or affidavit of the investigating law enforcement officer shall be prima facie proof of the violation, and the owner or operator shall have the burden of proving that the vehicle was not engaged in illegal dumping at the time of the violation. The owner or operator may present the testimony of any witnesses at the hearing, including the officer issuing the violation, to establish that the owner or operator was not in violation with the law at the time of the alleged violation.

- b. Any action for judicial review of the decision from the administrative hearing shall be in the same manner and under the same conditions as provided in chapter 6, administrative procedures. No court shall issue an injunction, stay or other process preventing the enforcement of the sanctions required by this part pending the hearing provided for in this part, except as provided by R.S. 49:964.
- (4) Notwithstanding any other provision of law to the contrary, ~~in no event shall a car~~ **a motor vehicle may not** be released from impoundment until **the superintendent of police, or their designee, receives written proof** ~~such time as proof, in writing, has been presented the director of the department of public works that all requirements of this section~~ **are** ~~have been~~ met.
- (5) ~~In those instances when there is~~ **If** a passenger in the motor vehicle **is** under the age of 12, ~~or when the driver~~ **of** or a passenger in the motor vehicle is handicapped, ~~or when considering the location and the time of day of the stop, the law enforcement officer~~ **believes** ~~perceives that there would be~~ a threat to the public safety or to the occupants in the motor vehicle **is possible**, ~~such law enforcement~~ **the** officer ~~enforcing the provision of this section~~ may transport the persons **from the motor vehicle** to an appropriate location or obtain commercial transportation to be paid for by the persons needing transportation.
- (6) The towing of vehicles shall utilize the ~~NOPD~~ **police department** call allocation list established in chapter 162 ~~of this Code~~. All towing, storage and other such fees contained in this section shall be consistent with **the current schedule of prescribed rates and requirements for non-consensual towing and recovery services issued by the** Louisiana Public Service Commission ~~General Order dated September 9, 2022, Docket No. T-36470, Statewide Prescribed Rates for Non-Consensual Tow/Recovery.~~
- ~~(7) The towing of vehicles shall utilize the NOPD call allocation list established in chapter 162 of this Code.~~

\* \* \*

- (g) Any property contained in or dumped by the motor vehicle at the time of seizure may be held for evidentiary purposes until ~~such time as~~ the forfeiture proceeding is concluded, or the law department determines that the property is no longer needed for evidentiary purposes, ~~whichever is sooner~~. Any property that is not needed for evidentiary purposes may be returned to the person who has a right of claim to the property. ~~The director of the department of public~~

~~works~~ The police department may dispose of any solid waste contained in the motor vehicle at the time of seizure and collect up to three times the cost and expense incurred for the proper disposal.

\* \* \*

## ARTICLE VI. - BOOTING OF MOTOR VEHICLES ON PRIVATE PROPERTY AND PRIVATE PARKING AREA

\* \* \*

### Sec. 66-403. Booting service business requirements.

\* \* \*

(m) In the event the booted motor vehicle is not claimed within 24 hours, the person who authorized the boot to be placed shall notify the department of police, and the state police ~~and the department of public works, parking division~~ with the vehicle's description and location. If the vehicle has been reported stolen, the boot shall be removed at no cost. ~~If the vehicle has not been reported stolen, the boot shall be removed at no cost.~~ If the vehicle has not been reported stolen, the person who authorized the boot to be placed shall have the boot removed at no cost and have a towing company registered with the department of police remove the vehicle before the end of the ~~36 hour~~ 36-hour period the boot was first placed. The towing company shall follow all regulations established by the city and state. There shall be no charge for removal of the boot to the towing company or the motor vehicle owner or operator.

\* \* \*

## “Chapter 154 TRAFFIC AND VEHICLES

### ARTICLE I. IN GENERAL

\* \* \*

#### Sec. 154-2. Definitions.

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

\* \* \*

*Department* ~~shall mean~~ means the department of public works, its successor, or an authorized representative as determined by the director of the department. As used in article XVII, ~~department shall mean~~ means the department of police, ~~New Orleans Police Department.~~

~~Director shall mean~~ means the director of the department of public works for the city, except in article XVII, director shall mean the Superintendent of Police of the New Orleans Police Department or his designee.

\* \* \*

*Enforcing department* means the department of police, ~~department of streets~~ or any other duly authorized persons.

\* \* \*

#### **Sec. 154-13. Personal delivery devices prohibited.**

In the interest of public safety and in accordance with ~~Louisiana Revised Statute~~ La. R.S. 32:210.6, personal delivery devices are hereby prohibited on the public right-of-way throughout the ~~city~~ City of New Orleans. Any device that is improperly operating on the right-of-way ~~shall be~~ is deemed an encumbrance or obstruction pursuant to section 146-493, and subject to immediate removal by the department of ~~police public works or law enforcement~~. The city shall hold All unclaimed, unidentified, or abandoned personal delivery devices ~~in the possession of the city shall~~ be held for a period of up to 45 days. ~~Storage fees may be assessed at a rate of up to \$100.00 per day.~~ Thereafter, the city may assess storage fees at a rate of up to \$100.00 per day or dispose of such personal delivery devices ~~may be disposed of~~ as permitted by law.

\* \* \*

### **ARTICLE II. ADMINISTRATION**

\* \* \*

#### **Sec. 154-56. Division of city traffic engineering and duties thereof.**

- (a) There is hereby created and established within the department of ~~streets~~ public works, under the supervision and direction of the director thereof, a division to be known and designated as the division of traffic engineering. The city traffic engineer shall be head of this division and shall be appointed by the director of the department of ~~streets~~ public works in accordance with civil service law. He shall be a graduate engineer and duly registered under the state.
- (b) The city traffic engineer shall exercise such powers and duties as are provided in this chapter or in state laws. In particular, the city traffic engineer shall:
  - (1) Determine the installation and proper timing and maintenance of traffic control devices;

- (2) Conduct engineering analyses of traffic accidents and devise remedial measures;
- (3) Conduct engineering investigations of traffic conditions;
- (4) Determine the locations of loading zones, metered spaces and designate all other on-street parking spaces;**
- (45) Cooperate with other city officials in ways and means to improve traffic and parking conditions; and**
- (56) Carry out additional powers and duties imposed upon him by laws of the city.**

\* \* \*

## ARTICLE III. TRAFFIC COURT OF NEW ORLEANS

\* \* \*

### DIVISION 2. PROCEDURE

\* \* \*

#### **Sec. 154-142. Initiation of proceedings by affidavits in municipal and traffic courts.**

All proceedings in the municipal and traffic courts, shall be initiated by affidavit, which shall consist of the sworn statement of the complainant, ~~the~~ police officer, or ~~an~~ employee of the department of ~~streets~~ **police** authorized to issue parking violations notices, filed with the court on a form provided by the court. The city attorney's **office**, ~~or any of his assistants~~, may also initiate prosecutions by affidavit on information and belief in the municipal and traffic courts.

\* \* \*

## ARTICLE VIII. STOPPING, STANDING, PARKING

### DIVISION 1. GENERALLY

#### **Sec. 154-651. Definitions.**

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

\* \* \*

*Self-releasing boot* means a device **used to immobilize a motor vehicle** ~~that is designed to be attached to and immobilize the~~ **that attaches to its** tire ~~or wheel of a motor vehicle that~~ **and** has a unique locking mechanism that can **only** be opened with an authorized combination **code** ~~obtained by the driver of a motor vehicle from the Department of public works after payment of outstanding parking fines/fees is made.~~

\* \* \*

## **DIVISION 2. ADMINISTRATION AND ENFORCEMENT**

### **Sec. 154-681. Division of parking—Created.**

There is hereby created and established within the department of ~~streets~~ **police**, under the supervision and direction of the ~~director thereof~~ **superintendent of police**, a division to be known and designated as the "division of parking;" **headed by** the public parking administrator ~~shall be head of this division and~~ **who** shall be appointed by the ~~director~~ **superintendent** of the department ~~of street~~ **of police**, in accordance with civil service law.

### **Sec. 154-682. Same—Powers, duties.**

The public parking administrator shall exercise such powers and duties as are provided in this chapter or in state laws. In particular, the public parking administrator shall:

- ~~(1) — Conduct planning studies of parking conditions;~~
- ~~(2) — Recommend on-street parking policies and regulations;~~
- ~~(3) — Determine the locations of loading zones, metered spaces and designate all other on-street parking spaces;~~
- ~~(4) — Establish and monitor a system of enforcing the~~ **(1) Enforce** regulations involving parking as described in this chapter;
- ~~(5)~~ **(2)** Cooperate with other city officials, private citizens and commercial agencies in ways to improve parking conditions;
- ~~(6)~~ **(3)** Carry out additional powers and duties imposed by the laws of the city.

\* \* \*

## **DIVISION 3. SEIZURE OR IMMOBILIZATION OF CERTAIN VEHICLES**

\* \* \*

### **Sec. 154-778. Immobilization for unpaid parking fines and penalties; impoundment; procedure for release; hearing.**

- (a) ~~A~~ **The parking division or other duly authorized agency may immobilize, tow, or impound** **any** vehicle ~~with~~ **against** which three or more **adjudicated** parking citations ~~have been issued shall be immediately immobilized, or towed and impounded, or both, by any police officer or other person duly authorized where, for at least three parking citations issued to that vehicle, the vehicle owner:~~ **if any assessed fees, fines or penalties related to the adjudicated parking citations remain unpaid.**

- (1) ~~Having admitted liability for a parking offense, has failed to pay the fines and penalties assessed by the parking adjudication bureau; or,~~
  - (2) ~~Having been found liable for the parking offense, has failed to pay the fines and penalties assessed by the parking adjudication bureau; or~~
  - (3) ~~Has failed to contest or pay the fines/penalties and tow fee for a tow-related citation for which a ROR bond was posted.~~
- (b) **The parking division or other duly authorized agency shall release a**~~Such vehicle~~ **immobilized or impounded pursuant to this section** ~~shall be surrendered or released any only to the vehicle's duly registered owner of such vehicle or his an authorized agent if thereof upon:~~
- (1) ~~Payment of all outstanding fines and penalties assessed by the parking adjudication bureau and recorded against such the vehicle plus and any towing, immobilization or storage fees are paid in full or covered by a cash or surety bond; or~~
  - (2) ~~Such person depositing a cash or surety bond in the amount of all outstanding fines and penalties assessed by the parking adjudication bureau recorded against such vehicle and any towing, immobilization or storage fees.~~
- (c) ~~If~~For a vehicle has been immobilized by means of a "self-releasing self-releasing boot" for unpaid parking fines and penalties as provided in subsection (a), **the parking division shall provide the authorized combination code to remove the boot only to the vehicle's owner or his authorized agent if** ~~the motorist will be allowed to remove the boot immediately upon payment of all outstanding fines and penalties due the city. The motorist must pay the balance of all unpaid parking fines and penalties along with and the boot fee are paid in full. The parking division shall assist upon the request of the prior to receiving a code to unlock the boot. Any motorist vehicle owner or his authorized agent who may need or desires assistance with removal of the self-releasing self-releasing boot, may contact the immobilization office of the department of public works for assistance or to have the immobilization device removed.~~
- If the self-releasing boot is not returned to the parking division within one business day following removal,** ~~Should the motorist choose to remove the boot, after receipt of the code to unlock the boot, the motorist will have 24 hours (excluding weekends and holidays) to return the boot to the immobilization office of the department of streets police. If the~~

~~boot has not been returned within 24 hours,~~ **the parking division shall assess** the vehicle owner ~~will be assessed~~ a fine of \$25.00 per day up to a maximum fine of \$500.00.

- (d) ~~If the person whose vehicle has been immobilized or impounded deposits~~ a bond is **deposited** as provided in subsection (b)(2), **the parking division shall issue the vehicle's owner** ~~such person shall be issued~~ a notice to appear for a hearing. The scope of the hearing ~~provided under this section is~~ **shall be** limited to the determination as to whether the vehicle ~~immobilized or booted~~ belongs to the owner or his agent ~~who~~ **and the owner or agent (i)** failed to appear at a hearing when required to do so, ~~or~~ **(ii)** having admitted liability for a parking offense, ~~has~~ failed to pay the fines and penalties assessed by the parking adjudication bureau, ~~or~~ **(iii)** having been found liable for the parking offense, ~~has~~ failed to pay the fines and penalties assessed by the parking adjudication bureau. **The parking division shall provide an expedited hearing within three business days of a written request therefor from the owner, or his authorized agent, of the impounded or immobilized vehicle.** ~~Any person whose vehicle has been impounded or immobilized under the provisions of this section and desires an expedited hearing shall be afforded a hearing within three business days of written request therefor.~~
- (e) If a vehicle is immobilized for unpaid parking fines and penalties as provided in subsection (a), an immobilization fee as set forth in section 154-777 shall be assessed. If such fee is deposited in the form of a cash bond and the responsible person is found not liable for all parking fines and penalties for which his vehicle was immobilized, such bond will be returned to the depositor or his agent.
- (f) If the vehicle impounded has not been reclaimed within 24 hours of the time of impoundment, the department of police shall notify the vehicle's last owner of record (as determined by the license ~~tags~~ **tag or VIN** thereof) of the place of impoundment of the vehicle.
- (g) If a person whose vehicle has been impounded or immobilized deposits a bond as provided in subsection (b)(2), such a bond will be subject to forfeiture if he fails to pay fines and/or penalties assessed by the parking adjudication bureau within six months after assessment.

\* \* \*

#### **DIVISION 4. DISPOSITION OF UNCLAIMED VEHICLES**

##### **Sec. 154-811. Abandoned vehicles—Sale or use.**

- (a) Any motor vehicle seized or otherwise held by the police department pursuant to this chapter for a period of three months or more without being claimed is deemed abandoned to the city. The department of police or the department of streets shall retain custody and possession of all unclaimed motor vehicles for a period of not less than three months from the date of possession obtained by the department, unless such motor vehicle(s) are sooner released by furnishing bond or legal process.
- (b) ~~Vehicles the City chooses to use for City use must be retained a minimum of six months. An official request identifying the vehicle by VIN, make, and model, along with its intended use must be delivered to the Department of Public Works by the Superintendent of Police or the Chief Administrative Officer.~~ Upon the approval of the chief administrative officer and the superintendent of police, any department may use an abandoned vehicle held by the police department for at least six months. The department head shall make a written request to the chief administrative officer and the superintendent of police, identifying the vehicle by VIN, make, and model, and its intended use.
- (c) The department of ~~public works~~ police shall comply with the provision of La. R.S. 32:476, ~~The~~ the Louisiana Towing and Storage Act, and the Louisiana Department of Public Safety, Office of Motor Vehicles policies regarding ~~Section IV Motor Vehicle Registration Requirements, number 20.01 relative to~~ abandoned vehicles for sale or use by municipalities and parochial authorities.

**Sec. 154-812. Storage fee after sale.**

- (a) Within six days after the consummation of the sale of unclaimed vehicles, the purchasers shall remove such vehicles from the ~~department of public works~~ city property, or shall be subject to storage fees as set forth in section 154-777.
- (b) For the purpose of this section, the six-day period shall commence at 8:00 a.m. on the day after the consummation of the sale, and the storage fee shall commence at 4:00 p.m. on the sixth calendar day thereafter provided the sixth day does not fall on a Sunday or a holiday, in which case the storage fee shall not commence until the next legal day following.
- (c) For the purpose of this section, the storage fee shall be imposed for any fraction of a day in excess of six days.

\* \* \*

**Sec. 154-815. Record of charges and sales.**

The department of police ~~and the department of public works~~ shall keep a complete record of all monies collected by it for storage and towing charges with details as to the date, the amount, and the name of the person making such payment, and shall also keep a true and correct record of all unclaimed or unidentified vehicles sold at public auction by virtue of this division. Such record shall be, at all times, open to public inspection.

\* \* \*

**DIVISION 5. PARKING GENERALLY**

\* \* \*

**Sec. 154-874. Restricted areas of parking spaces for registered individuals with disabilities.**

- (a) No person ~~shall~~ may stop or park a vehicle in an appropriately signed parking space for persons with disabilities except those vehicles bearing (i) a handicapped license plate, a disabled veteran license plate, handicapped parking card issued by the state, or parking card bearing the international symbol of accessibility prominently displayed on the dashboard of the driver's side of the vehicle issued pursuant to La. R.S. 47:463.4 or 467.463.4.1, or; (ii) a vehicle registered in another state and bearing that state's official designation for the handicapped, or; (iii) removable windshield placards, temporary removable windshield placards and special license plates which have been issued by issuing authorities of other countries, for the purpose of identifying vehicles permitted to utilize parking spaces reserved for persons with disabilities for any person with disabilities who is temporarily in this state and who is not required to obtain Louisiana license plates. This will include appropriately signed parking spaces on any street, publicly owned and operated parking facilities, public facilities or public facilities for accommodation, and privately owned parking facilities subject to the provisions of the Americans with Disabilities Act. For the purpose of this section, a "public facility" and "public facility for accommodation" ~~shall also~~ include parking spaces belonging to privately owned parking areas covered by the Americans with Disabilities Act.
- (b) Any person who uses any appropriately signed parking spaces for persons with disabilities shall be in violation of this section if the vehicle was not used for the transportation of the person for whom the license plate or parking card specified in paragraph (a) of this section was issued.

- (c) When a motor vehicle bearing plates or displaying a hang tag issued to a mobility-impaired person or person with disabilities is being operated for the transport of the mobility-impaired person or person with disabilities, the motor vehicle may be parked for up to a maximum of three hours without payment, regardless of meter fares otherwise applicable to the parking space. This provision shall apply except where ordinances or police regulations prohibit parking on a highway for the purpose of creating a fire lane or where the ordinances or police regulations provide for the accommodation of heavy traffic during morning, afternoon, or evening hours or where the motor vehicle is parked in such a manner as to clearly be a traffic hazard.
- (d) This section may be enforced by any person, duly authorized by the ~~director of public works or the~~ superintendent of police.
- (e) Any person who violates the provisions of this section shall be fined \$500.00. In addition to such fine, the offender shall be required to pay all court costs plus all towing fees and storage costs, if any.

## **DIVISION 6. STOPPING FOR LOADING OR UNLOADING**

### **Sec. 154-921. Designation of loading zones, freight only, freight zones, passenger zones, freight handling and service truck zones, and service zones.**

- (a) The ~~parking administrator~~ city traffic engineer shall determine the location of loading zones, freight only, freight zones, passenger zones, freight handling and service truck zones, and service zones and shall designate, modify and sign, indicating them as such for the use of all appropriate vehicles as specified in this chapter.
- (b) The zones authorized in subsection (a) of this section shall be established when it is deemed necessary to facilitate an overall parking program, to promote safety, or to improve the flow of traffic at a particular location. These zones shall be enforced according to the signage installed at the location, and the policies and regulations set forth by the parking division of the police department, in accordance with this Code.
- (c) At the discretion of the ~~parking administrator~~ city traffic engineer, loading zones, freight only, and freight zones may be in effect on a limited basis as indicated by signage.

\* \* \*

## **DIVISION 8. STOPPING OR PARKING PROHIBITED IN CERTAIN PLACES**

\* \* \*

**Sec. 154-1037. Parking of vehicles equipped with living accommodations prohibited during certain hours.**

- (a) No person ~~shall~~ may park a vehicle which is equipped with living accommodations with an overall length in excess of 22 feet on any street between the hours of 7:00 p.m. and 7:00 a.m. Any citations issued under this section and resulting administrative proceedings shall be dismissed upon receipt of written notification from the vehicle's owner or lessee and verification by the parking division of the department of ~~public works~~ police that the vehicle was legally registered or leased to an individual who resides ~~in~~ on the same block in which the vehicle was parked when the citation was issued for apparent violation of this section.
- (b) For the purpose of this section a vehicle with living accommodations is defined as any motor vehicle that contains any one or more of the following things that are capable of being used for their originally intended purpose:
- (1) Sinks.
  - (2) Wash facilities.
  - (3) Lavatories.
  - (4) Mattresses.
  - (5) Stoves.
  - (6) Tables.
  - (7) Refrigerators.

\* \* \*

**Sec. 154-1040. No stopping or parking near hazardous or congested places.**

The ~~public parking administrator~~ city traffic engineer may determine and designate, by proper signs, places not exceeding 150 feet in length in which the stopping or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic, and when such signs are erected no person shall stop or park a vehicle in any such designated place.

**Sec. 154-1041. Parking next to schools.**

The ~~public parking administrator~~ city traffic engineer may erect signs indicating no parking upon that side of any street adjacent to any school property when parking would, in his opinion, interfere with traffic or create a hazardous situation, and when such signs are erected no persons shall park a vehicle in any such designated place.

\* \* \*

## DIVISION 9. PARKING METERS

\* \* \*

### Sec. 154-1082. Enforcement.

The regulations pertaining to multispace pay stations, single/double space parking meters and OPS, as set forth by this article, shall be enforced by ~~the department of police,~~ the division of parking within the department of ~~public works~~ police, and such other officers as are authorized by the superintendent of police.

\* \* \*

### Sec. 154-1092. Use by city field representatives.

- (a) Any field representative of a department of city government when engaged in official business who displays a valid field representative parking permit on the inside of the vehicle on the right side of the rear windshield (rear windshield of the passenger side), or whose vehicle license plate is registered as a valid field representative in the OPS, while parking in any metered zone described below, shall not be required to deposit a coin or be charged via OPS for the use of the parking space for that period of time during which-he is actually on official duty; provided, however, that no such vehicle shall be parked in the same space for more than four consecutive hours. Any metered parking space within the city with the exception of the off-street metered parking spots located adjacent to city hall on LaSalle Street and on Poydras Street shall be available for a maximum of four consecutive hours for approved use by properly authorized employees who are field representatives of a department of city government.
- (b) Employees described in subsection (a) may obtain a serially numbered parking permit decal from the ~~director of the department of streets~~ superintendent of police or have the vehicle registered as a valid field representative vehicle in the OPS.
- (c) These permits may be issued by the ~~director of the department of streets~~ superintendent of police only to appropriate employees described in subsection (a) and shall bear an expiration date of December 31 of each calendar year. These permits may be renewed by the ~~director~~ superintendent on January 1 of each year and shall be valid for 12 consecutive months.

\* \* \*

## DIVISION 10. RESIDENTIAL PERMIT PARKING PROGRAM

\* \* \*

### Sec. 154-1137. Penalties for violation.

- (a) Any person parking a motor vehicle not displaying a valid permit in a residential permit parking zone for a period exceeding the time limitation established shall be subjected to a fine, as set forth in section 154-699.
- (b) The parking administrator may temporarily suspend enforcement of the regulations or limitations of a residential permit parking zone at the direction of the ~~director of the department of public works~~ **superintendent of police** when needed to safeguard the public or for good cause shown.

\* \* \*

### Sec. 154-1139. Eligibility requirements.

- (a) A residential area ~~shall be deemed~~ **is** eligible for residential permit parking if, based on objective criteria established by the ~~parking administrator~~ **city traffic engineer**, parking therein is impacted by commuter vehicles.
- (b) In determining ~~whether~~ **the appropriate designation of** an area identified as eligible for residential permit parking or special permit parking zone ~~shall be appropriately designated,~~ the ~~parking administrator~~ **city traffic engineer** shall take into consideration the following factors:
  - (1) The extent of the desire and need of the residents for appropriate designations and their willingness to bear the administrative costs in connection therewith.
  - (2) Proximity of the neighborhood to major parking attractors including employment centers, retail stores, restaurants, universities, hospitals and tourist attractions.
  - (3) Proximity of the neighborhood to transit service.
  - (4) Scarcity of convenient off-street parking for residents.
  - (5) The extent to which motor vehicles registered to persons residing in the residential area cannot be accommodated by the number of available off-street parking spaces.
  - (6) Substantial use of neighborhood curb space by commuters and other nonresidents for parking. Substantial use is defined as 25 percent or more of non-resident vehicles in the area under consideration during peak parking space usage times.
  - (7) Traffic, noise and safety problems caused by vehicles cruising for parking.

**Sec. 154-1140. Designation procedures.**

- (a) In order to determine whether a particular area should be designated as a residential permit parking zone or special permit parking zone, the ~~parking administrator~~ city traffic engineer or his designee shall conduct, upon his own initiative or upon request of the city council, a public forum prior to the designation or removal of the designation of a parking permit zone, or prior to the withdrawal of such designation once it is established. Such forum shall be held only after due notice has been published in the city's official journal. The notice shall clearly state the purpose of the forum, the boundaries of the permit parking zone under consideration, the reasons why such area is being proposed for designation, and, if applicable, the proposed parking fee that would be charged. During such forum any interested person shall be entitled to appear and be heard.
- (b) Within 15 days following the close of the public forum, the ~~parking administrator~~ city traffic engineer shall recommend by report to the city council whether to designate the area under consideration as a residential permit parking zone or special permit parking zone, specifying the times or limitations recommended and proposed fees, or whether to remove the designation in the case of an established residential permit parking zone or special permit parking zone. Within 30 days following the receipt of the report, the council shall approve or disapprove the recommendation of the ~~parking administrator~~ city traffic engineer, except special permit parking zones may be modified as deemed necessary by the council, as provided herein.

**Sec. 154-1141. Implementation; application for permit.**

- (a) Once a residential permit parking zone or special permit parking zone ~~has been~~ is approved by the city council, implementation on a particular street shall be contingent on the following criteria:
  - (1) The street is primarily residential.
  - (2) A majority of the households signed a petition seeking ~~resident~~ residential or special parking status for their block.
  - (3) At least 75 percent of the legal on-street parking spaces must be occupied during the period proposed for parking restrictions, as determined by the ~~parking administrator~~ city traffic engineer.

- (b) The ~~chief~~ city traffic engineer or his designee shall install parking signs indicating the times, locations and conditions under which parking is by permit only on the streets designated as the residential permit parking zone or special parking zone. ~~The signs shall indicate the times, locations and conditions under which parking is by permit only.~~

\* \* \*

**Sec. 154-1146. Visitor and non-resident permits.**

\* \* \*

(b) *Daily visitor permit.*

- (1) In parking zones where parking spaces for visitors are not set aside on-street, the holder of a valid annual residential parking permit or valid student permit or residential property owner subject to restrictions contained herein, may apply for a daily visitor's permit, which shall not be transferable.
- (2) The daily visitor permit shall identify the permanent residential permit number, as applicable, and zone, and shall be signed by the permit-holder host or residential property owner attesting that the temporary permit shall be used by a bona fide visitor.
- (3) Each daily visitor permit shall be \$4.00 per pass. Upon presentation of adequate proof, persons 65 years of age or older who otherwise qualify for the permit shall pay a fee of \$2.00 for each permit issued. An application fee shall not be charged for issuance of a daily visitor permit.
- (4) A daily visitor may not have more than one residential parking permit of valid student permit. A waiver of this limitation may be granted by the parking administrator-subject to approval by the ~~director of public works~~ superintendent of police or their designee.

(c) *Residential property owner permit.*

- (1) The parking administrator is authorized to issue an annual non-transferrable property owner permit to a residential property owner that is not a resident provided that they provide proof that they have at least a 51 percent ownership interest in a residential property as reflected on the property tax records for a real property address, current vehicle registration, license plate number and valid driver's license.
- (2) The fee for issuance of such permit shall be in accordance with section 154-1142.

- (3) No single real property address shall be permitted to be issued or possess more than one residential property owner permit. A waiver of this limitation may be granted by the parking administrator subject to approval by the ~~director of public works~~ superintendent of police or their designee.
- (4) The holder of a residential property owner permit shall not be authorized to apply for a daily visitor permit.

\* \* \*

## ARTICLE XI. INSPECTION OF VEHICLE

\* \* \*

### DIVISION 2. MOTOR VEHICLE INSPECTION

#### Sec. 154-1301. Established.

- (a) There is hereby established in the department of ~~public works~~ police a motor vehicle inspection bureau.
- (b) The ~~director of the department of public works~~ superintendent of police or ~~his~~ a designated representative is authorized to make such administrative rules and regulations as may become necessary to carry out and make effective the provisions of this article.

#### Sec. 154-1302. General authority.

- (a) The department of ~~public works~~ police shall inspect or cause to be inspected all vehicles registered within the City of New Orleans to determine whether such vehicles are in safe operating condition and are equipped with functioning safety devices required by the laws of the city and state and are adequately covered by liability insurance as required by La. R.S. 32:861 et seq.
- (b) The department of ~~public works~~ police shall maintain or authorize operation of one or more motor vehicle inspection stations within the City of New Orleans.
- (c) Subject to the discretion of the ~~director~~ superintendent, the department of police may authorize satellite inspection stations to perform motor vehicle inspections on its behalf ~~of the department of public works~~.
- (d) For purposes of this chapter, a "satellite inspection station" is defined as a facility authorized by the motor vehicle inspection bureau to conduct motor vehicle inspections on behalf of the department of ~~public works~~ police, subject to the inspection standards outlined in this chapter.

- (e) For the purposes of this chapter, a "commercial vehicle" is defined as any self-propelled or towed vehicle used on public roads and highways in commerce to transport passengers or property when:
  - (1) The vehicle has a gross vehicle weight rating or gross combination weight of 10,001 pounds or more;
  - (2) The vehicle is designed to transport more than ten passengers, including the driver.

**Sec. 154-1303. Vehicle inspection required.**

- (a) No person shall operate a vehicle owned by a resident of this state upon the streets of the City of New Orleans unless it bears a current safety inspection certificate (brake tag) from the municipality where the vehicle is registered, or if such municipality does not require such safety inspection certificate, then from the state. All vehicles registered in the City of New Orleans shall be presented to the department of ~~public works~~ police or an authorized inspection station at least once every other year, except as may be otherwise provided in this section. Such an inspection shall be performed within 60 days after the month the vehicle was acquired or newly registered in the State of Louisiana after being transferred from another state.
- (b) Vehicles with a gross vehicle weight rating of 10,000 pounds or less are eligible for a two-year inspection certificate only if the vehicle age is ten years or less. For purposes of this article, the term "vehicle age" shall be determined based on the vehicle's model year, and a "year" shall be measured through the last day of that respective calendar year (for example, a vehicle with a model year of 2000 shall have a vehicle age of one year as of January 1, 2001).
- (c) Vehicles with a gross vehicle weight rating of 10,001 pounds or greater shall be presented to the department of ~~public works~~ police or an authorized inspection station on an annual basis and shall not be entitled to a two-year inspection certificate.
- (d) The annual inspection period shall begin on January 1 of each year; the reinspection month shall be determined by the month and year indicated on each particular vehicle's previous inspection certificate.

\* \* \*

**Sec. 154-1305. Motor vehicle inspection standards.**

- (a) The ~~director~~ superintendent of ~~public-works~~ police is authorized to promulgate administrative rules and regulations for the inspection of motor vehicles to further the purpose and intent of this article. Rules and regulations so promulgated shall supersede and take precedence over standards of the Louisiana Department of Public Safety and Corrections.
- (b) In the absence of administrative rules and regulations established by the ~~director~~ superintendent of ~~public-works~~ police, motor vehicle inspections within the City of New Orleans will be conducted in compliance with the standards promulgated by the Secretary of the Louisiana Department of Public Safety and Corrections, unless such standards conflict with the provisions of this article, in which case this article shall govern.

**Sec. 154-1306. Issuance of certificate.**

- (a) Upon determining that a vehicle is equipped with functioning safety devices, as required by the laws of the city and state, and is adequately covered by liability insurance as required by state law, and upon collection of fees for such inspection as set forth in section 154-1307 of this chapter, the department of ~~public-works~~ police shall attach or cause to be attached an inspection certificate to the lower left side of the windshield of such vehicle. Inspection certificates shall expire on the last day of the month indicated on the face of the certificate.
- (b) Vehicles which fail to pass inspection shall be issued a card showing the mechanical faults or indicating that proof of liability insurance as required by law has not been provided. A period of not more than 30 days shall be allowed in which to make necessary repairs or to provide proof of liability insurance as required by law, and such rejection card shall be a substitute for the inspection certificate during such period. Vehicles that pose a specific road safety hazard are restricted to driving no more than 20 miles within a 30-day period in order to make necessary repairs.

**Sec. 154-1307. Fees.**

- (a) Inspection stickers:
  - (1) The fees to be paid by the owner or operator of a vehicle for an annual inspection certificate under this chapter shall be as follows:
    - i. Commercial vehicles shall pay a fee of \$60.00.
    - ii. All other vehicles shall pay a fee of \$25.00.

- (2) The department of ~~public works~~ police shall collect from the operator of permitted satellite inspection stations the following amount per annual inspection certificate issued:
  - i. All inspection certificates for commercial vehicles, as defined in this chapter: \$20.00.
  - ii. Inspection certificates for all other vehicles: \$12.50.
- (b) Late fees shall be assessed at a rate of \$2.00 per month beginning on the first day of the calendar month following expiration, or 60 days after the month the vehicle is acquired or newly registered in the state of Louisiana after being transferred from another state. Late fees shall not exceed the price of an annual inspection certificate.
- (c) All fees for inspection certificates and late fees shall be collected by an approved inspector and remitted to the department to be deposited into the general fund of the city. Payment for late fees shall be submitted no more than 15 days after being collected.
- (d) For inspection certificates providing two years of validity as set forth in this chapter; the fee for such certificates shall be equivalent to the fee required for two annual inspections.
- (e) Fees for satellite inspection stations:
  - (1) Permitted satellite inspection stations shall remit an annual fee of \$25.00 to the department of ~~public works~~ police plus an annual fee of \$5.00 for each inspector named on the permit application.
  - (2) If additional inspectors are added subsequent to the new or renewal application, the satellite inspection station shall remit the \$5.00 fee when that inspector is submitted to the department of ~~public works~~ police for approval.

**Sec. 154-1308. Motor vehicle inspection stations, generally.**

- (a) Motor vehicle inspection stations shall conduct vehicle inspections throughout the calendar year.
- (b) Inspection stations shall display signage as proscribed by the ~~director~~ superintendent providing information including, but not limited to, hours of motor vehicle inspections, types of vehicle inspections performed, and standards for inspections.
- (c) Restrooms must be available within the facility for use of customers.
- (d) All motor vehicle inspections must be conducted on the premises of the approved inspection station and must be conducted on a hard surface (concrete or asphalt).

Notwithstanding any law, rule or administrative policy to the contrary, inspection stations are not required to reserve a service bay or stall for the exclusive purpose of conducting motor vehicle inspections.

- (e) For inspecting vehicles with a gross weight rating below 10,001 pounds, inspection stations must have available space to conduct a 20 mile per hour road test approved by the department of ~~public works~~ police. Alternatively, a properly installed and calibrated brake testing machine may be utilized in lieu of the road test. For inspecting commercial vehicles, as defined in this chapter, stations shall meet all standards outlined in Title 55 of the Louisiana Administrative Code.

\* \* \*

- (l) Inspection stations shall maintain an inventory of certificates of inspection adequate to satisfy the needs of the public, subject to the determination and standards of the department of ~~public works~~ police.

**Sec. 154-1309. Satellite inspection stations, specifically.**

- (a) For the purpose of making inspections and issuing official inspection certificates, as provided within this article, the ~~director~~ superintendent of the department of ~~public works~~ police may issue permits for and furnish instructions to satellite inspection stations for the inspection of vehicles as required by this chapter.
- (b) Application for a satellite inspection station permit shall be made upon an official form provided by the ~~director~~ superintendent for that purpose, and may be granted when the ~~director~~ superintendent is satisfied that the station is properly equipped, has adequately trained personnel to perform such inspections, and that inspections will be conducted in accordance with the laws of the city and state.
- (c) The ~~director~~ superintendent shall supervise and cause inspections to be made of such satellite inspection stations and shall suspend and/or revoke and require surrender of any permit issued to a station which is not properly equipped or where inspections are not properly conducted.
- (d) The ~~director~~ superintendent shall suspend and/or revoke and require surrender of any permit issued to a station when such station issues an inspection certificate in violation of this article, the Code of the City of New Orleans, or state law.

- (e) Satellite inspection stations permits shall not be assigned, transferred, or used at any location other than therein designated and every permit shall be posted in a conspicuous place at the location designated.
- (f) Satellite inspection station operators are responsible for the safekeeping of motor vehicle inspection certificates purchased for use by that station from the department of ~~public works~~ police. If inspection certificates are lost, stolen, destroyed, or otherwise rendered unusable, no refund of fees or replacement certificates shall be issued by the ~~director~~ superintendent.
- (g) Qualification for satellite inspection stations:
  - (1) Any business seeking approval as a satellite inspection station must guarantee inspections will be conducted in accordance with this article for a minimum of 40 hours per week.
    - i. Subject to the determination of the ~~director~~ superintendent of ~~public works~~ police, approval of a satellite inspection station may be conditioned upon a guarantee of operation on specific days or during specific times to ensure adequate service to the public.
  - (2) Satellite inspection stations shall only be approved at locations operating under the use classification of "gas station," "motor vehicle service and repair, major", "motor vehicle service and repair," or "car wash" with permanent structures and sewerage and water board approved drainage in compliance with the standards of the Comprehensive Zoning Ordinance.
  - (3) Businesses applying for approval as a satellite inspection station must have been in operation for a minimum of 90 days at the time of application, as evidenced by the business's occupational license issued by the department of finance.
  - (4) Satellite inspection stations are required to submit and maintain a surety bond for the amount of \$5,000.00 to provide for any damages which may occur to private vehicles during inspection due to negligence on the part of the satellite inspection station or its employees.
  - (5) Satellite inspection stations shall have a minimum of two approved motor vehicle inspectors on staff and registered with the department of ~~public works~~ police, with

at least one approved motor vehicle inspector on duty during all inspection hours to perform motor vehicle inspections.

- (6) Permitted satellite inspection stations shall inspect and issue inspection certificates to the owner or operator of private motor vehicles in accordance with the fees outlined in section 154-1307(a)(1) of this chapter.
- (h) Satellite stations are required to record each inspection performed, along with all inspection certificate serial numbers and late fees collected, in the format required and frequency specified by the department of ~~public works~~ police.

**Sec. 154-1310. Approved motor vehicle inspectors.**

- (a) All personnel employed by the satellite inspection station for the purpose of conducting motor vehicle inspections shall be approved and licensed by the department of ~~public works~~ police.
- (b) No person shall be approved as a motor vehicle inspector that has not completed motor vehicle inspection training approved by the Louisiana Department of Public Safety. Evidence of completion shall be submitted to the department of ~~public works~~ police. Any inspector that has been unlicensed for a year or more must be retrained before inspecting any vehicle.
- (c) Persons performing inspections on commercial vehicles, as defined in this chapter, shall be a current ASE (Automotive Service Excellence) Certified Diesel Mechanic or have an equivalent accreditation. Proof shall be provided to the department each time an inspector's application is submitted for review.

**Sec. 154-1311. Fleet inspection stations.**

- (a) Any person, corporation, partnership, or other business entity owning or holding leases for more than ten motor vehicles registered in New Orleans and operating at least one vehicle repair and maintenance shop, may, upon request, have one or more of his vehicle repair and maintenance shops designated as fleet inspection stations for the purpose of inspecting and certifying those motor vehicles which are owned or leased by him.
- (b) Such fleet inspection stations are required to maintain compliance with all applicable provisions of sections 154-1308, 154-1309, and 154-1310.

- (c) Permitted fleet inspection stations shall remit an annual fee of \$25.00 to the department of ~~public works~~ police plus an annual fee of \$5.00 for each inspector named on the permit application.
  - (1) If additional inspectors are added subsequent to the new or renewal application, the fleet inspection station shall remit the \$5.00 fee when that inspector is submitted to the department of ~~public works~~ police for approval.
- (d) The department of ~~public works~~ police shall collect from the operator of permitted fleet inspection stations the full amount of inspection certificates as provided in section 154-1307(a)(1).

**Sec. 154-1312. Misrepresentation and false certificates.**

- (a) No person shall, in any manner, represent any place or business as a satellite or fleet inspection station unless such station is operating pursuant to a valid permit issued by the department of ~~public works~~ police.
- (b) No person other than an approved motor vehicle inspector shall issue an inspection certificate on behalf of the department of ~~public works~~ police or a permitted satellite or fleet inspection station.
- (c) No person shall use, possess, display or cause to be displayed upon any vehicle any inspection certificate knowing same to be fictitious, fraudulent, issued to a vehicle other than the one to which it was recorded, or issued without ~~an~~ a complete inspection having been made.

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**ARTICLE XIV. TRUCK AND OVERSIZED VEHICLES**

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**DIVISION 3. ENFORCEMENT AND PENALTIES**

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**Sec. 154-1563. Violations and penalties.**

- (1) Proceedings for violations of this article shall be initiated by affidavit and will be heard in traffic court, pursuant to Chapter 154 Article III of the Code of the City of New Orleans.
- (2) The penalty for a violation of this section shall be \$500.00 for the first offense and \$1,000.00 for the second or subsequent offense.

- (3) The penalties provided by this section shall be in addition to any other penalty imposed by any other provision of law or regulation thereunder.
- (4) In addition to the fines established by this section, violation of this article by a person who owns, manages, operates, or otherwise controls a vehicle covered by this article may result in the suspension or revocation of any permit or license issued to the person by the department of ~~public works~~ police for the vehicle in violation.
- (5) Lack of a sign or signage shall not be a defense for a citation or other penalty issued for a violation of any section of this article.

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## **ARTICLE XVII. AUTOMATED TRAFFIC ENFORCEMENT SYSTEM**

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### **Sec. 154-1702. Administrative adjudication procedure; appeals; fees.**

- (a) A person who receives a notice of violation may contest the imposition of the civil penalty by appearing before the administrative adjudication bureau on or before the scheduled hearing date.
- (b) Administrative adjudications of violations of this section shall be conducted by the parking adjudication bureau established by sections 154-681 through 154-685. In conducting administrative adjudication hearings of violations of this section, the parking adjudication bureau shall have the powers and duties conferred by section 154-685.
- (c) Failure to pay a civil penalty or to challenge liability in a timely manner is a waiver of the right to appeal under subsection 154-1702(h).
- (d) The civil penalty shall not be assessed if, after a hearing, the hearing officer enters a finding of no liability.
- (e) In an administrative adjudication hearing, the issues must be proved at the hearing by a preponderance of the evidence. The reliability of the automated traffic enforcement system used to produce the recorded image of the violation may be attested to in an administrative adjudication hearing by affidavit of a sworn law enforcement officer or the department of ~~public works~~ police. An affidavit of a sworn law enforcement officer or from the department of ~~public works~~ police that alleges a violation based on an inspection of the pertinent recorded image is admissible in a proceeding under this article and is evidence of the facts contained in the affidavit.

- (f) A vehicle owner may prove by a preponderance of the evidence at the hearing that any of the following circumstances apply and thereby qualifies as an affirmative defense to the imposition of civil liability.
- (1) The operator of the motor vehicle was acting in compliance with the lawful order or direction of a law enforcement or public safety officer;
  - (2) The operator of the motor vehicle violated the instructions of the speed limit sign in an effort to move out of the way of an immediately approaching authorized emergency vehicle;
  - (3) The motor vehicle was being operated as an authorized emergency vehicle under La. R.S. 32:24, and the operator was acting in compliance with La. R.S. 32:24;
  - (4) The motor vehicle was being operated by a person other than the owner of the vehicle without the consent of the owner, express or implied.
  - (5) The license plate depicted in the recorded image of the violation was a stolen plate and being displayed on a motor vehicle other than the motor vehicle for which the plate had been issued, if at the time of the violation the motor vehicle displayed a stolen plate, which must include proof acceptable to the hearing officer to prove that the theft of the vehicle or license plate had been timely reported to the appropriate law enforcement agency.
  - (6) The person who received the notice of violation was not the owner of the motor vehicle at the time of the violation; or
- (g) Notwithstanding anything in this article to the contrary, a person who fails to pay the amount of a civil penalty or to challenge liability in a timely manner is entitled to a new administrative adjudication hearing date on the violation if:
- (1) The person files an affidavit with the hearing officer stating the date on which the person actually received the notice of violation mailed to the person with an explanation and necessary documentation that the failure to receive actual notice before the initial hearing date was beyond the vehicle owner's control; and
  - (2) The person files a request for an administrative hearing within 30 days from the date of receipt of the notice of violation, as stated in the affidavit.
- (h) (1) The decision of the hearing officer shall be the final decision on behalf of the city. A person or persons aggrieved by such a decision may appeal such a decision to

the traffic court, which shall have exclusive appellate jurisdiction of all such appeals. Any such appeal shall be filed within 30 days after the date of such decision. The traffic court shall have de novo review over such appeals.

- (2) The traffic court may require a reasonable fee not to exceed \$50.00, from any person or persons lodging any such appeal with the traffic court to defray the cost of record preparation, transcription of evidence, and other related costs of the appeal. No such appeal shall be processed until due proof has been furnished indicating that the appeal fee has been paid.
  - (3) Any appellant who pleads that because of his poverty he is unable to pay the fee authorized in section 154-1702(h)(2) may take a pauper's oath in open court and if the judge, after querying the appellant, is satisfied that such is the case, he shall allow the appeal to be taken in forma pauperis.
  - (4) The clerk of court shall deposit any fee(s) collected under this article in the traffic court judicial expense fund.
- (i) In cases where a person charged with a violation shows good cause for not attending a hearing, either personally or through a representative, the hearing officer may permit the matter to be adjudicated by mail which adjudication shall be made within 60 days of the date of the citation. Letters, memoranda, affidavits, photographs or other documentary materials shall be admissible as evidence for the purposes of adjudications by mail. The hearing officer may exclude from consideration any material which is not relevant to the adjudication of the alleged violation. Failure of the person charged to proceed with an adjudication by mail after requesting and receiving permission to adjudicate by mail shall constitute an admission by the person charged of liability of the violation and shall subject the person who requested the adjudication by mail to the appropriate fines and costs assessed by the adjudication bureau.
  - (j) If a hearing examiner determines that an adjudication cannot proceed by mail, the adjudication bureau shall advise the person charged by first class mail that he must appear to answer the charge at a hearing.

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**Sec. 154-1704. Effect of liability; exclusion of civil remedy.**

- (a) The imposition of a civil penalty under this article shall not be considered a criminal conviction.
- (b) A civil penalty may not be imposed under this article upon the owner of a motor vehicle, if the operator of the vehicle was arrested or was issued a speeding citation and notice to appear by a law or public safety officer as a violation of La. R.S. 32:232, even if such violation was captured by the automated traffic enforcement system. The imposition of a civil penalty under this article is an alternative method of detecting and deterring red-light violations and speeding.
- (c) An owner who fails to pay the civil penalty or to timely challenge liability for the penalty is considered to admit liability for the full amount of the civil penalty stated in the notice of violation mailed to the vehicle owner, and the matter will be transmitted to the parking adjudication bureau of the city. The city attorney is authorized to file suit to enforce collection of unpaid fines and/or related fees and penalties imposed under section 154-1703 to secure such payments.
- (d) If the owner fails to timely respond to the second notice, the department of ~~public works~~ police is authorized to enforce the payment of this civil penalty and related fees by use of the following methods: immobilization of vehicles (~~booting~~), towing and impounding, reporting the debt to collection agencies/credit reporting agencies, and/or initiating actions through the court.”





## LEGISLATIVE SUMMARY

### TO ACCOMPANY ORDINANCES

#### BEFORE SUBMISSION TO CLERK OF COUNCIL

Requesting Department or Agency: Chief Administrative Office

Name of Contact Person: Jonathan Wisbey

Telephone Number: 504-658-7828

Email Address: jonathan.wisbey@nola.gov

Initials of Sponsoring Councilmember(s): JPM

#### DETAILED SYNOPSIS OF THE ORDINANCE

Please generally describe the purpose, intent, and effect of the proposed ordinance.

This ordinance will facilitate the transfer of DPW parking enforcement and towing duties to NOPD. The purpose of this ordinance is to authorize NOPD to enforce laws regarding abandoned or nuisance vehicles and clarifies that NOPD has custody over impounded vehicles.



## LEGISLATIVE SUMMARY

**If the Ordinance is to effectuate a contract, CEA, or other similar agreement (hereafter contract), please provide the following additional information.**



**If this section is not applicable, please check this box.**

The parties involved:

The obligations, expectations, and deliverables of the parties involved:

Any fiscal implications for the City with the contract:

The public purpose and need for the contract:

The duration of the contract:



## LEGISLATIVE SUMMARY

**If the Ordinance is to effectuate an amendment to the Codes of the City of New Orleans, please provide the following additional information.**

☐

**If this section is not applicable, please check this box.**

The existing provision(s) of the Code being proposed for amendment:

Sections 66-101, 66-102, 66-105, 66-283.5, and 66-40

The general content/requirements of the existing Code provision:

Outlines the parking and towing authorities, presently assigned to DPW.

How the proposed ordinance will alter the existing Code provision(s):

Transfers parking and towing enforcement responsibilities with impounded vehicles from DPW to NOPD.

Why these changes are needed:

DPW enforcement functions are transferring to NOPD.

**REQUESTED ADOPTION DATE:**

Reference: Council Rule 41 & City Code Section 2-813