



13           **SECTION 2. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY**  
14   **ORDAINS** that Section 154-1701 of Article XVII of Chapter 154 of the Code of the City of  
15   New Orleans shall be amended and reordained to read as follows:

16   **Sec. 154-1701. Enforcement procedures.**

17           The New Orleans Police Department is responsible for the enforcement and  
18   administration of Sections 154-1701 through 154-1704. The City of New Orleans may enforce  
19   and administer Sections 154-1701 through 154-1704, or any parts thereof, through one or more  
20   contractors selected in accordance with applicable law, with exception made for subsection 154-  
21   1703(c) regarding the penalty for a school bus stop sign violation. Subsection 154-1703(c) will  
22   be administered with the explicit consent, oversight, and discretion of the Recovery School  
23   District (RSD) and/or Orleans Parish School Board (OPSB). RSD and/or OPSB will retain the  
24   right to use school buses under their control to administer subsection [154-1703] (c) through  
25   cooperative endeavor agreement with the city.

26           Upon the Department's receipt of photographic evidence that a vehicle has violated  
27   applicable traffic ordinances, the Department shall forward all necessary information to the  
28   Parking Adjudication Bureau of the City of New Orleans for administrative and enforcement  
29   actions. The Department is responsible for the administration of notification and collection of the  
30   fines paid by the vehicle owner.

31           In order to impose a civil penalty under this ordinance, the Department shall mail a notice  
32   of the violation to the owner of the motor vehicle no later than the 30th day after the date the  
33   violation is alleged to have occurred or identification by the Department of the registered owner,  
34   whichever is later, but in no event more than 60 days after the date the violation is alleged to  
35   have occurred.

36 **1. Notice of violation.** A notice of violation issued under this article shall contain at least  
37 the following:

- 38 (a) a description of the violation;
- 39 (b) the date, time, and location of the violation;
- 40 (c) the name and address of the registered owner of the vehicle that was involved in  
41 the violation;
- 42 (d) the license plate number displayed on the license plate attached to the vehicle  
43 involved in the violation;
- 44 (e) a copy of recorded images of the vehicle involved in the violation;
- 45 (f) the amount of the civil penalty to be imposed for the violation;
- 46 (g) the date by which the civil penalty must be paid or the date by which a challenge  
47 to the violation must be submitted.
- 48 (h) a statement that the recorded image is evidence for use in a proceeding for the  
49 imposition of a civil penalty;
- 50 (i) information that informs the person or entity named in the notice of violation;
  - 51 (1) of the right to contest the imposition of a civil penalty in an administrative  
52 hearing;
  - 53 (2) of the manner and time in which to challenge the imposition of the civil  
54 penalty; and
  - 55 (3) that failure to timely pay the civil penalty or to challenge liability is an  
56 admission of liability and failure to appear on or before the scheduled  
57 hearing date is an admission of liability and a waiver of the right to appeal.

58 A notice of violation under this article is presumed to have been received on the 5<sup>th</sup>  
59 business day after the date the notice of violation is mailed. The Department is further  
60 responsible for sending the second notice to vehicle owners who fail to respond to the first notice  
61 of violation.

62 This ordinance does not infringe upon the police powers of the state in accordance with  
63 Article VI, Section 9(B) of the Louisiana Constitution.

64 **2. Responsibility of vehicle owner and operator.**

65 (a) Except as provided in subsection (b) of this section, the owner and operator, when  
66 not the same, shall be solidarily liable to the city for violations of Sections 154-1701 through  
67 154-1704, unless the owner can prove that the vehicle was operated without his consent, express  
68 or implied. An owner who pays any fine, costs, or administrative fees pursuant to this Article  
69 shall have the right to recover the same from the operator.

70 (b) An owner of a vehicle who is engaged in the business of renting or leasing  
71 vehicles under written rental or leasing agreements (“lessor”) shall not be liable for fines and  
72 penalties imposed by a local authority of the lessor of such rented or leased vehicles, if within 30  
73 days after receiving written notice of the violation, the lessor provides, in affidavit form, the true  
74 name, address and driver’s license number and state of issuance of the person in possession of  
75 the vehicle (“lessee”) at the time of the issuance of the citation, or provides a true copy of the  
76 lease or rental agreement.

77 (c) A lessor who fails to comply with the foregoing provisions shall be treated as any  
78 other owner and shall be solidarily liable with the operator.

79 (d) If any owner of a motor vehicle receives a notice of violation for a period during  
80 which the vehicle was reported to any police department as having been stolen prior to the time  
81 the violation occurred and had not been recovered by such time said owner shall not be liable.

**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:**