

On a motion by **Councilman Hinyub** and seconded by **Councilman Carr**, the following ordinance was introduced:

ORDINANCE NO. 5022

An ordinance as amended establishing new rules for Electronic Enforcement to the Gretna Code of Ordinances Chapter 52, Article IV– Electronic Enforcement; Division II – Speed Enforcement.

WHEREAS, the City of Gretna has an interest in the health, welfare, and safety of its citizens; and

WHEREAS, the City of Gretna has an obligation to provide its citizens with ordinances that clearly describe permitted activities in the city.

NOW, THEREFORE, BE IT ORDAINED by the City Council, acting as legislative authority for the City of Gretna, that:

Chapter 52, Article IV – Electronic Enforcement; Division II – Speed Enforcement is hereby established into the Gretna Code of Ordinances:

ARTICLE IV - ELECTRONIC ENFORCEMENT

DIVISION I – GENERALLY

Secs. 52-315-52-331. - Reserved.

DIVISION II - SPEED ENFORCEMENT

Sec. 52-365 – Definitions

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

Automated Speed Enforcement Device means an unmanned or handheld camera or optical device installed to work in conjunction with a traffic control signal or radar speed detection equipment, or both, and designed to collect photographic evidence of alleged traffic violations for the issuance of traffic citations by recording images that depict the license plate or other identifying feature of a motor vehicle not in compliance with instruction of a traffic control signal or posted traffic sign.

- (a) The Automated Speed Enforcement Device should be capable of producing at least two (2) recorded images depicting the license plate attached to the rear of a vehicle being operated at a speed in excess of the speed limit.

Department means the police department, its successor, or an authorized representative as determined by the police chief.

Electronic Enforcement Devices shall mean automated speed enforcement devices, red light traffic cameras, and mobile speed cameras used for the purpose of regulating and enforcing traffic violations in which citations are issued by mail.

Intersection means the place or area where two or more streets intersect.

Mobile Speed Camera means a device designed to collect photographic or video evidence of an alleged violation of a posted speed limit by recording images that depict the license plate or other identifying feature of a motor vehicle that is not operated in compliance with the posted speed limit sign.

Owner means the owner of a vehicle as shown on the vehicle registration records of the state department of public safety, office of motor vehicles, or the analogous department or agency of another state or country.

Police chief means the city police chief for the city government.

Recorded image, means an image recorded by the Electronic Enforcement Device depicting the rear of a vehicle which is automatically recorded on a photograph or digital image or video, which also depicts the recorded speed, date, location, and time of the recorded image.

Speed limit means the established regulatory speed limit on the subject roadway.

System location means the approach to an intersection toward which an Electronic Enforcement Device is directed and in operation or segment of roadway on which an Electronic Enforcement Device is in operation.

(Code 1997 §90-505; Ord. No. 3678, §2, 3-12-2008)

Sec. 52-366 - Imposition of civil penalty for violations enforced by an Electronic Enforcement Device.

- (a) The city council finds and determines a vehicle traveling over the speed limit for the vehicle's direction of travel damages the public by endangering vehicle operators and pedestrians alike, by increasing the number of serious traffic crashes to which public safety agencies must respond at the expense of the taxpayers, therefore decreasing the efficiency of traffic control and traffic flow efforts.
- (b) Except as provided in subsections (c) and (d) of this section, the owner of a vehicle is liable for a civil penalty as shown in the following table if the vehicle is traveling a speed in miles per hour (mph) greater than the speed limit as shown in the following table at a system location. The following civil penalties shall apply to the owner when captured by the Electronic Enforcement Device where the vehicle was recorded as traveling at the following speeds over the speed limit:

Speed Over Speed Limit	Civil Penalty
5 through 10 mph	\$120.00
11 through 15 mph	140.00
16 through 20 mph	160.00
Greater than 20 mph	200.00

- (c) For a second or subsequent violation by the same licensed vehicle during any 12-month period, the amount of the civil penalty assessed to the owner shall be as follows:

Speed Over Speed Limit	Civil Penalty
5 through 10 mph	\$180.00
11 through 15 mph	210.00
16 through 20 mph	240.00
Greater than 20 mph	300.00

- (d) An owner who fails to timely pay a civil penalty shall be subject to an additional late payment penalty of \$75.00 in addition to the original violation penalty.

(Code 1997, §90-506; ord. No. 3678, §2m 4-9-2008)

Sec. 52-367 Operation of Electronic Enforcement Devices in School Zones

- (a) The Department may operate electronic enforcement devices in school zones, within its boundaries, on school days during the specified periods when children are in school. Electronic enforcement devices shall only be operated one (1) hour before and one (1) hour after the beginning of the school day and one (1) hour before and one (1) hour after the end of the school day.
- (b) The municipality and a governing authority of any school located within the municipality's boundaries where electronic enforcement devices are operated, shall enter into a cooperative endeavor agreement which shall be executed and in place prior to the implementation of automated speed enforcement devices and mobile speed cameras.
 - (1) The Cooperative Endeavor Agreement between the municipality and the governing authority of the school shall provide for the division of the Revenue generated as a result of the operation of the electronic enforcement devices in each school's respective school zones in the manner set forth in Sec. 52-373.
- (c) The civil penalties for violations enforced by electronic enforcement devices in school zones shall be as set forth in Sec. 52-366.

Sec. 52-368 Notification for Mobile Speed Camera.

- (a) The department, or its designee, shall post signs indicating that a mobile speed camera is present. The sign shall be posted no less than two hundred fifty (250') feet and no more than five hundred (500') feet from the location of each mobile speed camera in such a manner as to be clearly visible, not obstructed by any barrier, equipment, vegetation or other object, and shall be easily viewable by drivers approaching the speed camera. The sign shall comply with the current manual and specifications adopted by the Department of Transportation and Development pursuant to La. R.S. 32:235.
- (b) In any proceeding to collect a civil or criminal fine, fee or penalty by or on behalf of the municipality, there shall be a rebuttable presumption that the sign(s) required by this Section were posted in accordance with Sub-section "(a)" above.

Sec. 52-369- Enforcement procedures.

- (a) The department is responsible for the enforcement and administration of sections 52-365 through 52-373, inclusive. The department may enforce and administer sections 52-365 through 52-373, or any parts thereof, through one or more contractors selected in accordance with applicable law. The actions which can be used to enforce the payment of the civil penalty and related fees and/or written judgment of the hearing officer may consist of but not be limited to: initiating actions through the small claims court, or Justice of the Peace Court, or any other judicial enforcement applicable to the enforcement of civil judgments.
- (b) In order to impose a civil penalty under this division, the department, or its designee, shall mail by regular U.S. Mail, the citation to the owner of the vehicle liable for the civil penalty not later than the 14th calendar day, inclusive of weekends and legal holidays, after the date the violation is alleged to have occurred.
- (c) A citation issued under this division shall contain the following:
 - (1) A description of the violation alleged;
 - (2) The date, time, and location of the violation;

- (3) A copy of a recorded image of the vehicle involved in the violation;
- (4) The amount of the civil penalty to be imposed for the violation;
- (5) The date by which the civil penalty must be paid.
- (6) A statement the person named in the notice of violation may pay the civil penalty in lieu of appearing at an administrative adjudication hearing.
- (7) Information informing the person named in the citation.
 - (a) Of the right to contest the imposition of the civil penalty in an administrative adjudication;
 - (b) Of the manner and time in which to contest the imposition of the civil penalty; and
 - (c) Failure to pay the civil penalty or to contest liability is a waiver of the right to appeal under section 52-370.
- (8) A statement that a recorded image is evidence in a proceeding for the imposition of a civil penalty.
- (9) For citations issued for violations described in R.S. 32:47 and R.S. 32:48, an attestation, on the back of the citation, wherein the driver who receives the violation can attest either that at the time of the violation, the person who received the citation was not the owner of the vehicle or that the vehicle was in the care, custody and control of another at the time of the violation. The driver has the option to provide information on who was the owner or driver of the vehicle at the time of the violation but shall not be required to do so.
- (10) Any other information deemed necessary by the department.
 - (a) A citation under this division is presumed to have been received on the tenth (10TH) calendar day inclusive of weekends and legal holidays after the date the notice of violation is mailed.
- (11) The issuance of a citation under this subpart shall not be considered a criminal conviction.
- (12) A civil penalty may not be imposed under this subpart on the owner of a vehicle if the operator of the vehicle was arrested or issued a citation and notice to appear by a law or public safety officer as a violation of R.S. 32:232 if the violation was captured by an electronic enforcement device.

(Code 1997, §90-507; Ord. No. 3678, §2, 4-9-2008; Ord. 4014, 3-11-2009; Ord No. 4608, 9-10-2014; Ord. No. 4737, 8-10-2016)

Sec. 52-370 - Administrative Hearing.

- (a) A person who receives a citation by mail shall, at that time, be given a clear notice of the right to an appeal hearing before a traffic adjudication hearing officer which must be requested in writing within fifteen (15) days of receipt of the citation
- (b) A person who receives a citation by mail may appeal the citation violation and the imposition of the civil penalty by a request in writing for an administrative appeal of the citation violation within the time period set forth in subsection (a) above, inclusive of weekends and legal holidays, after receipt of the notice of violation.
- (c) Upon receipt of a timely request, the department, or its designee, shall notify the person requesting the appeal, the information of the date, time, and location of the administrative adjudication hearing.

- (d) The administrative hearing shall be conducted before a traffic adjudication hearing officer appointed by the Mayor and confirmed by the City Council who shall have been licensed to practice law in Louisiana for five (5) years and who shall have the authority to administer oaths and affirmations.
 - (e) The traffic adjudication hearing officer shall be an independent third party who was not a participant in the issuance of the violation.
 - (1) The administrative hearing shall be conducted in accordance with the procedures set forth herein.
 - (2) In addition to the procedures set forth herein any administrative adjudication held under the provisions of this division may be conducted in accordance with the rules of evidence of the Administrative Procedure Act.
- (e) The evidence to be presented to the adjudication hearing officer shall include, at a minimum, a copy of the written citation with a detailed description of the alleged violation.
- (g) The Deputy City Prosecutor may present any other evidence as proof of the alleged violation which he/she may deem to be appropriate for the traffic adjudication hearing officer to consider. In an administrative adjudication hearing, the violation must be proved at the hearing only by a preponderance of the evidence.
- (h) Written evidence of the reliability of and/or the accuracy of the automated speed enforcement device and its reliability to produce the recorded image of the violation may be attested to in an administrative adjudication hearing by a statement made under penalty of perjury, or, a calibration certificate by the equipment vendor/contractor, or, any document by the equipment vendor/contractor as to the reliability and/or accuracy of the automated speed enforcement device, or an affidavit, or a statement made under penalty of perjury of an officer or a statement made under penalty of perjury of an approved civilian employee of the department, or testimony by a qualified witness.
- (i) A copy of the written citation, and/or photographic or video images created by the automated speed enforcement device of the violation, and/or other written or documentary evidence set forth or described herein above shall be admissible and competent evidence of the violation of the applicable speed limit, subject to the affirmative defenses set forth herein below.
- (j) If shall be an affirmative defense to the imposition of civil liability under this division, to be proven by the alleged violator, by a preponderance of the evidence, that:
- (1) The traffic-control signal was not in proper position and sufficiently legible to an ordinarily observant person;
 - (2) The operator of the vehicle was acting in compliance with the lawful order or direction of a law enforcement or public safety officer;
 - (3) The operator of the vehicle violated the instructions of the traffic-control signal so as to yield the right-of-way to an immediately approaching authorized emergency vehicle;
 - (4) The vehicle was being operated as an authorized emergency vehicle under R.S. 32:24, and the operator was acting in compliance with R.S. 32:24;
 - (5) At the time of the violation the person who received the notice of violation (or citation) was not the owner of the vehicle at the time of the violation, or the vehicle was in the care, custody or control of another person where the owner furnishes a truthful affidavit which provides that the vehicle at the time of the violation was not in his care, custody or control, or that the person was not the owner of the vehicle;
 - (6) The presence of ice, snow, unusual amounts of rain, or other unusually hazardous road conditions existed that would make compliance with this Subpart more dangerous under the circumstances than non-compliance;
 - (7) At the time of the violation the vehicle was a stolen vehicle or the license plate displayed on the vehicle was a stolen plate, which must include proof acceptable

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

- (l) In addition to the Affirmative Defenses, the person charged with the violation set forth in the citation may present any relevant evidence at the administrative hearing as determined by the hearing officer.
- (m) Failure to timely pay the civil penalty or to contest liability by requesting an administrative hearing in a timely manner shall constitute a default and a waiver of the right to appeal under section 52-370 and shall be considered an admission of liability for the charged violation.
- (n) Notwithstanding anything in this Ordinance to the contrary, a person who fails to pay the amount of a civil penalty or to contest liability in a timely manner is entitled to an administrative adjudication hearing on the violation if:
 - (1) The person files an affidavit with the hearing officer stating the date on which the person received the notice of violation mailed to the person; 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.

(Code 1997, §90-508; Ord. No. 3678, §2, 4-9-2008; Ord. No. 4014, 3-11-2009)

Sec. 52-371 - Order of hearing officer.

- (a) The hearing officer at any administrative adjudication hearing under this division shall issue an order clearly stating the decision rendered. The decision of the hearing officer may state:
 - (1) Whether the person charged with the violation is liable for the violation; and
 - (2) The amount of any civil penalty assessed against the person.
- (b) The civil penalty shall not be assessed if, after a hearing, the hearing officer enters a finding of no liability.
- (c) The decision of the hearing officer shall be a final decision. A person or persons aggrieved by a decision may file a petition for judicial review to the Gretna Mayor's Court as set forth below.
- (d) In the event the hearing officer determines that the person charged with the violation is liable for the civil penalty, at that time the violator shall be given written notice of their right to seek a petition for judicial review within thirty (30) days of the adverse decision rendered by the hearing officer;
 - (1) The petition for judicial review shall be filed in writing with the Clerk of Court of Gretna's Mayor's Court within the thirty (30) days of the hearing officer's order.
- (b) The orders issued under subsection (a) of this section may be filed with the Clerk of Court or may be filed with the vendor or contractor who provides the electronic enforcement devices and related services. These orders shall be maintained for a period not to exceed three (3) years from the date of the decision.

The orders may be recorded using microfilm, microfiche, or other data processing techniques.

- (c) The city attorney, or his designee, is authorized to file suit to enforce collection of unpaid civil penalties and/or related fees imposed under section 52-366 by lawful means to secure such payments.

(Code 1997, §90-509; Ord. No. 3678, §2, 4-9-2008; Ord. No. 4744, 9-14-2016)

Sec. 52-372 - Effect of liability; exclusion of civil remedy.

- (a) The imposition of a civil penalty under this division shall not be considered a criminal conviction and shall have the same effect as a civil judgment.
- (b) A civil penalty may not be imposed under this division upon the owner of a 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 R.S. 32:232 if such violation was captured by the system.

(Code 1997, §90-510; Ord. No. 3678, §2 4-9-2008; ord. No. 4609, 9-10-2014)

Sec. 52-373 - Court management fund

- (a) The civil penalties, and fees collected (“Revenue”) from the imposition of civil liability under this division shall be deposited into a court management fund. Funds deposited into this court management fund to be expended as set forth herein.
- (b) The Revenue collected as described in Section “(a)” above are to be first paid to and for the contractor or vendor for the costs of providing the electronic enforcement device and related services.
- (c) After disbursement of the Revenue authorized by Section “(b)” above, the balance of the Revenue generated as a result of the electronic enforcement devices in school zones, those net funds shall be divided between the governing authority of the school where the traffic citation was issued and the municipality in accordance with the Cooperative Endeavor Agreement between the governing authority of the school and the municipality.
- (d) After disbursement of the Revenue authorized by Section “(b)” above the balance of the Revenue generated as a result of electronic enforcement devices outside of a school zone, shall only be used for purposes of public safety.

(Code 1997, §90-511; Ord. No. 3678, §2, 4-9-2008; Ord. No. 4744, 9-14-2016)

Provided that a majority of the City Council of the City of Gretna have voted in favor of this ordinance, this ordinance shall have the full force and effect of law at midnight on the tenth day following the Clerk's presentment of same to the mayor, in accordance with Louisiana Revised Statutes 33:406(c)(2) unless the mayor returns same, unsigned, to the Clerk during that ten-day period.

This ordinance having been submitted to a vote, the vote thereon was as follows:

Yeas: **Council Members Hinyub, Carr, Rau, and Miller**

Nays: None

Absent: None

Abstained: None

ADOPTED: JULY 9, 2025.

APPROVED: JULY 10, 2025.

/S/ NORMA J. CRUZ, LCMC
CITY CLERK
CITY OF GRETNA
STATE OF LOUISIANA

/S/ BELINDA C. CONSTANT
MAYOR
CITY OF GRETNA
STATE OF LOUISIANA

Ordinance presented to the Mayor on July 10, 2025.

Ordinance returned from the the Mayor on July 10, 2025.

/S/ NORMA J. CRUZ, LCMC
CITY CLERK
CITY OF GRETNA
STATE OF LOUISIANA

/S/ NORMA J. CRUZ, LCMC
CITY CLERK
CITY OF GRETNA
STATE OF LOUISIANA

A TRUE COPY:

/S/ NORMA J. CRUZ, LCMC
CITY CLERK
CITY OF GRETNA
STATE OF LOUISIANA