

CODE OF ORDINANCES

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CHAPTER 1

GENERAL PROVISIONS

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Section 1:1 Code of Ordinances; how designated and cited

The provisions embraced in the following chapters and sections shall constitute and be designated the "Code of Ordinances, Town of Arnaudville, Louisiana" and may be so cited.
(Former Section 1:1)

Section 1:2 Code of Ordinances not retroactive

No section of this Code of Ordinances is retroactive unless it is expressly so stated.
(Former Section 1:2)

Section 1:3 Words or phrases, how construed

A. In the construction of this Code of Ordinances and all of its provisions, the words and phrases shall be read with their context and shall be construed according to the common and approved usage of the language. Technical words and phrases, and such other words as may have acquired a peculiar and appropriate meaning in the law, shall be construed and understood according to such peculiar and appropriate meaning.

B. The word "shall" is mandatory and the word "may" is permissive.
(Former Section 1:3)

Section 1:4 Unambiguous wording not to be disregarded

When the wording of a section is clear and free of ambiguity, the letter of it shall not be disregarded under the pretext of pursuing its spirit.
(Former Section 1:4)

Section 1:5 Clerical and typographical errors

Clerical and typographical errors in this Code shall be disregarded when the meaning of the governing body is clear.
(Former Section 1:5)

Section 1:6 Conflict in expression of figures and words

Whenever there is a conflict between a number expressed both by figures and written words, the latter shall prevail unless such words obviously are contrary to the legislative intent.
(Former Section 1:6)

Section 1:7 Singular may denote plural

Words used in the singular number include the plural and the plural includes the singular.
(Former Section 1:7)

Section 1:8 One gender may denote others

Words used in one gender apply also to other genders, except as otherwise clearly indicated by the context.
(Former Section 1:8)

Section 1:9 Use of disjunctive

Unless it is otherwise clearly indicated by the context, whenever the term "or" is used in this Code, it is used in the disjunctive and does not mean "and/or".
(Former Section 1:9)

Section 1:10 Person defined

Unless it is otherwise clearly indicated, the word "person" includes a body of persons, whether incorporated or not.

(Former Section 1:10)

Section 1:11 Property defined

As used in this Code, the word "property" refers to both public and private property, movable and immovable property, and corporeal and incorporeal property.

(Former Section 1:11)

Section 1:12 Town defined

The words "the town" or "this town" shall be construed as if the words "of Arnaudville" followed them and shall extend to and include any agency, board, commission, department, officer, agent, or employee of same.

(Former Section 1:12)

Section 1:13 Classification and arrangement of chapters and sections; on construction

The classification and organization of the chapters and sections of this Code is made for the purpose of convenience, reference, and orderly arrangement, and no implication or presumption of a legislative construction shall be drawn therefrom.

(Former Section 1:13)

Section 1:14 Headings to sections, source notes, indexes, table of contents, not part of law

Heading to sections, source notes, comments, cross references, the index, and the table of contents contained herein are given for the purpose of convenient reference and do not constitute part of the law.

(Former Section 1:14)

Section 1:15 Reference in Code

A. Unless otherwise indicated in the context, references in this Code to chapters, articles, parts, subparts or sections shall mean chapters, sub-chapters, articles, parts, subparts, or sections of this Code.

B. Whenever any reference is made to any portion of this Code or to any other law or ordinance, the reference applies to all amendments thereto hereafter made.

(Former Section 1:15)

Section 1:16 Repeal of ordinances, effect

A. The repeal of a repealing ordinance shall not revive the first ordinance.

B. The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect nor any suit, prosecution, or proceeding pending at the time of the repeal for an offense committed under the ordinance repealed.

(Former Section 1:16)

Section 1:17 Construction of Code; continuation of existing institutions; effect of rights acquired, penalties imposed, etc.

A. This Code shall be construed as continuations of and as substitutes for the laws and ordinances which are revised and consolidated herein. The adoption of this Code shall not affect the continued existence and operation, subject to the provisions hereof, of any department, agency, or office heretofore legally established, any rights acquired or accruing, any taxes or other charges incurred or imposed, any penalties incurred or imposed or any judicial proceedings had or commenced prior to the effective date of this Code.

B. In the construction of this Code and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent.

(1) Computation of time. Whenever a notice is required to be given or an act to be done a certain length of time before any proceeding shall be had, the day on which the notice is given or the act is done shall be counted in computing the time; but the day on which the proceeding is to be had shall not be counted.

(2) Tense. Words used in the past or present tense include the future as well as the past and present.

C. As used in this Code, the following terms shall have the following meanings, unless the context requires otherwise:

- (1) "Board" means the board of aldermen of this town.
- (2) "Board member" means a member of the board of aldermen of this town.
- (3) "Clerk" means the town clerk.
- (4) "Mayor" means the chief executive officer of this town.
- (5) "Month" means a calendar month.

(6) "Parish" means the parish of St. Landry or the parish of St. Martin, as applicable.

(7) "State" means the state of Louisiana.

(11) "Street" includes streets, avenues, boulevards, roads, alleys, lanes, viaducts, and all other public highways in this town.

(12) "Week" means seven consecutive days.

(13) "Year" means a calendar year.
(Former Section 1:17)

Section 1:18 Severability of parts of Code

If any phrase, clause, sentence, paragraph, section, or chapter of this Code shall be declared unconstitutional, invalid, or unenforceable by a judgment of any court of competent jurisdiction, such action shall not affect the other phrases, clauses, sentences, paragraphs, sections or chapters of this Code. If the application of this Code or any of its provisions to any person or circumstance is held invalid, the application of this Code and its provisions to other persons or circumstances shall not be affected thereby.
(Former Section 1:18)

Section 1:19 New ordinances; amendments to Code

A. All ordinances enacted into law after the effective date of this Code which amend, repeal, or are of a general and permanent public nature may be numbered in accordance with the numbering system employed herein and may be printed or otherwise reproduced for inclusion herein.

B. The mayor and board of aldermen shall periodically direct that supplements be prepared incorporating herein, in an appropriate place and classification, the text of all such new legislation, assigning to these ordinances an appropriate chapter and section number, if such has not been done in their enactment. Material repealed by new ordinances shall be deleted. All new material added to the Code, and all material deleted shall contain a reference note indicating the source of the legislative action from which it was derived.

C. Any section in this Code or in any duly authorized subsequent edition thereof, or any duly authorized supplement thereto, may be amended or repealed by reference to the appropriate section number without reference to the ordinance from which the section was derived. Such amendments may be made by using the following language, "BE IT ORDAINED by the Board of Aldermen of the Town of Arnaudville, Louisiana, that Section _____ of Chapter _____ of the Code of Ordinances of the Town of Arnaudville, Louisiana, is hereby amended to read as follows:"

D. In the event a new chapter or section is to be added, the following language may be used:

"BE IT ORDAINED by the Board of Aldermen of the Town of Arnaudville, Louisiana, that the Code of Ordinances of the Town of Arnaudville, Louisiana, is hereby amended to add a new chapter (or section) to be numbered _____, which said chapter (or section) shall read as follows:..."
(Former Section 1:19)

Section 1:20 Incorporation of new legislation, procedure

A. In preparing supplements to the Code embracing new legislation as provided in Section 1.19, the editor, publisher, or codifier shall not alter the sense, meaning, or effect of any ordinance, resolution, or law, but he may:

- (1) Renumber and rearrange sections or parts of sections.
- (2) Transfer sections or divide sections so as to give to distinct subject matter a separate section number, but without changing the meaning.
- (3) Insert or change the wording of the headnotes.
- (4) Change reference numbers to agree with renumbered chapters or sections.
- (5) Substitute the proper section or chapter number for the terms "this ordinance", "the preceding section", and the like.
- (6) Strike out figures where they are merely a repetition of written words and vice-versa.
- (7) Change capitalization for the purpose of uniformity.
- (8) Correct manifest typographical and grammatical errors.
- (9) Make any other purely formal or clerical changes in keeping with the purpose of a codification of ordinances.

B. The publisher, editor, or codifier shall omit all titles of ordinances, all enacting, resolving and repealing clauses, all appropriation measures; all temporary ordinances; all declarations of emergency, and all validity, declaration of policy and construction clauses, except when the retention thereof is necessary to preserve the full meaning and intent of the law. Whenever any validity, declaration of policy, or construction clause is omitted, proper notation of the omission may be made.

(Former Section 1:20)

Section 1:21 General penalty continuing violations

A. It shall be unlawful for any person to violate or fail to comply with any provision of this

Code or to commit any act which is declared to be a crime, a misdemeanor, or unlawful, and where no specific penalty is provided therefor, whomever is found to be in violation of any provision of this Code shall be punished by a fine not exceeding five hundred dollar (\$500.00), or imprisonment for a term not exceeding sixty (60) days, or by both such fine and imprisonment within the discretion of the court.

B. Each day any violation of this Code shall continue constitutes a separate offense.
(Former Section 1:21)

Section 1:22 Unauthorized alteration of Code

Except as specifically authorized herein, it is unlawful for any person to change or amend by additions or deletions any part or portion of this Code or to insert or delete pages or portions thereof or to alter or tamper with this Code in any manner whatsoever which will cause the law of the town to be misrepresented thereby.

CHAPTER 2

ADMINISTRATION AND ORGANIZATION

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Sub-Chapter A In General

Section 2:1 Corporate name

The name of this town, duly incorporated under state law, is hereby fixed as the "Town of Arnaudville".
(Former Section 2:1)

Section 2:2 Town governed by provisions of Lawrason Act

The town shall be governed by the provisions of R.S. 33:321 et seq., which provisions are commonly known as the Lawrason Act.
(Former Section 2:2)

Section 2:3 Corporate seal

A corporate seal be and the same is hereby adopted for the town, which seal shall be of the following description:

Around the edge of the die, the words: "Town of Arnaudville, State of Louisiana".
In the center of the die the words: "Corporate Seal".

(Former Section 2:3)

Section 2:4 Corporate boundaries

The corporate boundaries of the town are hereby defined and described as follows:

Beginning at the northwest corner of the Corporate Limits of the Town of Arnaudville, said northwest corner being marked with a 2 inch by 2 inch steel shaft;

thence South 80 degrees, 58 minutes and 6 seconds East a distance of 1,376 feet to a point which point is the intersection of the Corporate Limits with the western right-of-way of La. Highway 740; thence in a northerly direction along said right-of-way line a distance of approximately 1,550 feet to the southeast corner of a 5.42 acre tract of land situated in Section 47, Township 7 South, Range 5 East, as shown on plat of survey by Morgan Goudeau & Associates, Inc. dated December 21, 1982; thence North 81 degrees, 44 minutes West along the South line of subject tract a distance of 793.1 feet to the southwest corner of tract; thence North 9 degrees East a distance of 277.0 feet to the northwest corner of tract; thence South 81 degrees, 44 minutes East along the North line of subject tract and projection thereof to the East right-of-way line of La. Highway 740 a distance of approximately 970 feet; thence in a southerly direction along said right-of-way line a distance of approximately 1,852 feet; thence South 80 degrees, 58 minutes 6 seconds East a distance of 2,351.07 feet to the northeast corner of the Corporate Limits of said Town, said corner being marked with a 2 inch by 2 inch steel shaft located approximately 22 feet East of the centerline of the Missouri Pacific Railroad; thence South 5 degrees 10 minutes West, a distance of 8.25 feet being marked with a flat railroad bar; thence North 69 degrees 03 minutes East, a distance of 742.87 feet to an iron pipe which marks the northeast property corner of Kayjan Industries; thence South 20 degrees and 57 minutes East, a distance of 484.68 feet to an iron pipe which marks the southeast property corner of Kayjan Industries; thence South 67 degrees 13 minutes West, a distance of 996.63 feet to the eastern right-of-way limits of the Missouri Pacific Railroad marked by an iron pipe; thence South 05 degrees 10 minutes West, a distance of 2,836.85 feet more or less, along the eastern right-of-way limits of the Missouri Pacific Railroad to a point located on the southern right-of-way limits of Canal Street; thence South 69 degrees 00 minutes West, along the southern right-of-way of Canal Street and the projection of the southern right-of-way of Canal Street to a point which is the thread of Bayou Teche, a distance of 1,570 feet more or less; thence in a southerly direction, following the thread of Bayou Teche, a distance of 620 feet more or less to a point; thence South 77 degrees 30 minutes West, a distance of 2,495 feet more or less to a point; thence North 5 degrees 00 minutes East, to the intersection of the South right-of-way of Fuselier Street; thence westerly along the South right-of-way of Fuselier Street, a distance of approximately 1,300 feet to the intersection with the projection of the West line of Plot A of Plat of Survey by Fred Colomb dated June 30, 1972; thence North 8 degrees 21 minutes 40 seconds East, a distance of approximately 1,550 feet to the northwest corner of Plot A; thence South 81 degrees 23 minutes 20 seconds East, a distance of 254.7 feet a; thence South 9 degrees 14 minutes 40 seconds West, a distance of 1,323.9 feet to the North right-of-way of Fuselier Street; thence easterly approximately 800 feet to the intersection with the intersection with the West right-of-way of Mills Street; thence following the western right-of-way of Mills Street in a northerly direction to a point marked by an iron pipe on the northern right-of-way limits of Pine Street; thence North 11 degrees 16 minutes West, a distance of 845.20 feet to an iron pipe; thence North 81 degrees 55

minutes West, a distance of 354.34 feet to an iron pipe located on the property line between Paul Blanchard and the Estate of Laurent Blanchard; thence South 0 degrees 42 minutes East, a distance of 293.80 feet to an iron pipe marking the southeast property corner of the Estate of Laurent Blanchard; thence North 81 degrees 31 minutes West, a distance of 295.00 feet to a point on the South property line of the Estate of Laurent Blanchard marked with an iron pipe; thence North 0 degrees 42 minutes West, a distance of 880.04 feet to a point on the South property line of the Town's Oxidation Pond marked with an iron pipe; thence North 81 degrees 34 minutes West, a distance of 43.39 feet to the southwest corner of the Town's Oxidation Pond, marked with an iron pipe; thence North 25 degrees 20 minutes West, a distance of 745.60 feet to the northwest property corner of the Town's Oxidation Pond, marked with an iron pipe; thence South 81 degrees 27 minutes East, a distance of 1222.95 feet to the centerline of the old Southern Pacific Railroad bed, marked with an iron pipe; thence due South, a distance of 306.40 feet along the centerline of the old Southern Pacific Railroad bed to an iron pipe; thence South 83 degrees 27 minutes East, a distance of 115.89 feet to an iron pipe marking the northeast property corner of a lot of ground belonging to the Town of Arnaudville, said iron pipe also being located on the western Corporate Limits of the Town of Arnaudville; thence North 5 degrees 00 minutes East, a distance of 1,451.25 feet to the point of beginning.

(Former Section 2:4; Ordinance 1-84 adopted February 7, 1984; Ordinance 1-02 adopted February 11, 2002)

Sections 2:5-19 Reserved

Sub-Chapter B Legislative Branch

Section 2:21 Meetings of the board of aldermen

The board of aldermen shall meet on the third Tuesday of each month at the town hall at 6:00 pm.

(Former Section 2:21; Ordinance adopted July 16, 1991; Ordinance adopted December 9, 2003)

Section 2:22 Length of meetings

All regular meetings of the board of aldermen shall be adjourned at 9:00 p.m., unless this limit be waived by two thirds (2/3) vote of the aldermen present. In the event that there is unfinished business before the board at the time this adjournment hour arrives, said meeting shall be continued at a later date within the month.

(Former Section 2:22; Ordinance adopted July 16, 1991)

Section 2:23 Special meetings of board of aldermen; notice of special meeting

A. Special meetings of the board of aldermen may be called for the transaction of important business at the instance of the mayor or a majority of the members of the board.

B. The notice for a special meeting must be written and specifically detail the objects and purposes for which the meeting is called, must be signed by the officer calling the meeting, and must be served by a police officer of the town on the mayor and members of the board.

C. The notice may be served either personally or at the domicile of the officer to be notified and shall be served in either event at least eight (8) hours prior to the hour fixed in the call for the special meeting.

D. Such notice may be served by a police officer of the town and such police officer serving the notice shall make his return on the back of a copy of the call, reciting the time and manner of service thus made by him upon the mayor and each member of the board.

(Ordinance 1 of 1986 adopted June 3, 1986, Section 1)

Section 2:24 Matter of business

No business, except such as specified in the call for the special meeting, shall be transacted at the meeting unless unanimously approved by the aldermen attending the meeting. In all cases it shall require a majority of the aldermen elected to constitute a quorum of the board.

(Ordinance 1 of 1986 adopted June 3, 1986, Section 2)

Section 2:25 Continuance of meetings

Special meetings may be continued over to another specified date announced at the meeting with the consent of the majority of the members of the board. If any special or emergency meeting fails for want of a quorum, said meeting may be continued to a date announced at the meeting with the consent of the majority of the aldermen present, or, if only one aldermen is present, the date he announces, but a meeting that fails for want of a quorum shall be continued but once.

(Ordinance 1 of 1986 adopted June 3, 1986, Section 3)

Section 2:26 Special meeting of board to be open to the public, public notice of meetings

A. Every special meeting called by an official of the town shall be open to the public unless closed pursuant to R.S. 42:17, regarding permitted executive sessions.

B. A special meeting called pursuant to this Sub-Chapter shall require written notice to the public no later than twenty-four (24) hours before the meeting. Such notice shall include the agenda, date, time, and place of the meeting, provided upon unanimous approval of the members present at the meeting of the board, the board may take up a matter not on the agenda. In cases of extra-

ordinary emergency, such notice shall not be required; however, the mayor and aldermen shall give such notice of the meeting as they deem appropriate and circumstances permit.

C. Written public notice given by the mayor and board of aldermen shall include, but not be limited to the positing of a copy of the notice that such a special meeting will be held. This notice shall be posted at the principle office of the mayor or board at the town hall; or by publication of the notice in the official journal for the town no less than twenty-four (24) hours before the meeting.

D. Written public notice may be accomplished by mailing a copy of the notice to any member of the news media who requests notice of such meetings; any such member of the news media shall be furnished an identical copy of the notice as is the copy that is given to the members of the board, so as to allow the publication on the announcement of such meeting within twenty-four (24) hours before the meeting.

(Ordinance 1 of 1986 adopted June 3, 1986, Section 4)

Section 2:27 Special meeting in case of extraordinary emergencies

In cases of extraordinary emergency, which shall be limited to natural disaster, threat of epidemic, civil disturbance, suppression of insurrection, the repelling of an invasion, or other matters of similar magnitude, the mayor or aldermen may call an emergency meeting of the aldermen. The board members and mayor shall be notified of the meeting in the most practical manner available, and the purpose of the meeting may be stated in general terms. Notice of an extraordinary emergency meeting shall be given as provided in this Sub-Chapter, all in compliance with R.S.42:19. (Ordinance 1 of 1986 adopted June 3, 1986, Section 5)

Section 2:28 Written minutes of special meetings

A. All open meetings called by the mayor or board shall be recorded in written minutes. The minutes shall include but not be limited to:

- (1) The date, time, and place of the meeting.
- (2) The names of those officials of the board recorded as either present or absent.
- (3) Substance of all matters decided, and, at the request of any member, a record, by individual member, of any votes taken.
- (4) Any additional information that the board requests be included or reflected in the minutes.

B. The minutes of these special meetings shall be in the public records and shall be available within a reasonable time after the meeting, except where such disclosure would be inconsistent with R.S. 42:16 and R.S. 42:17.

(Ordinance 1 of 1986 adopted June 3, 1986, Section 6)

Section 2:29 Sonic recordings of special meetings

All or any part of a special meeting called by the officials of the town may be recorded by any person in attendance by means of a tape recorder or any other means of sonic reproduction.
(Ordinance 1 of 1986 adopted June 3, 1986, Section 7)

Section 2:30 Classification of special meetings

The provisions of this Sub-Chapter shall not apply to chance meetings or social meetings of the board at which there is no vote or other action taken, including formal or informal polling of the members.
(Ordinance 1 of 1986 adopted June 3, 1986, Section 8)

Sections 2:31-49 Reserved

Sub-Chapter C
Administrative Branch

Sections 24:50-51 and 53-74 Reserved

Section 2:52 Town elections

A. Town elections in the town hereafter shall be held on the same date as elections held for the election of members of Congress, in accordance with R.S. 18:402(B). The officers elected shall take office on the first day of January following their election and shall hold their office for four years.

B. The next town elections in the town after adoption of this Section shall be held on the same date as the 1986 congressional elections, and the terms of office of the town officers currently serving as of the date of the adoption of this Section shall not expire on June 30, 1985, but shall expire on December 31, 1986.

C. This Section is adopted pursuant to, and is intended to comply fully with the provisions of R.S. 33:383(A) and (B), as amended by Act 829 enacted by the Louisiana Legislature in the Regular Session of 1984, effective July 13, 1984.
(Ordinance adopted September 4, 1984)

Sub-Chapter D
Officers and Employees

Section 2:75 Appointment of town employees; removal

A. The mayor shall appoint and remove all town employees as provided by law and in Section 2.86.

B. All employee appointments shall be made at meetings of the board of aldermen, duly assembled in regular or special sessions.

C. No employee shall be dismissed, demoted, or otherwise removed from the office or position to which he was appointed except for cause, and then only by the authority which had the power to make the appointment in the first place.
(Former Section 2:75)

Section 2:76 Pay of employees

The salaries, wages, and compensation of all town employees shall be set by the mayor and board of aldermen, and unless otherwise provided for at the time of employment, all salaries and wages shall be paid bi-weekly.
(Former Section 2:76)

Section 2:77 Compensation of town officers

A. The monthly salary of the following officers and employees of the town are as follows:

(1) Mayor	\$1,287.87 ✓
(2) Alderman	\$ 350.00 ✓
(3) Chief of Police	\$2,635.36 ✓
(4) Town Clerk	\$3,054.13 3468.40
(5) Utility Supervisor	\$3,357.46 3468.40

B. The town clerk and utility supervisor being appointed positions shall receive all benefits due normal full time employees.

(Ordinance 01-91 adopted April 2, 1991; Ordinance 3-95 adopted March 14, 1995; Ordinance 6-95 adopted December 12, 1995; Motion adopted December 9, 1997; Ordinance 03-03 adopted September 9, 2003; Motion adopted May 15, 2007)

Sub-Chapter E Personnel

Section 2:81 Employment generally

A. Employment is for an indefinite period and unspecified term and this Sub-Chapter is not intended to be an employment contract.

B. No person shall, on the basis of race, color, religion, sex, age, national origin, handicap, veteran status, or any other nonmerit factor, be discriminated against in any employment practice. (Ordinance 2.95 adopted March 14, 1995, Section 1)

Section 2:82 Job positions and salary schedule

A. The number and kind of positions and the employee salary schedule shall be determined by the mayor and the board.

B. A job description shall be developed and maintained for each job category by the appropriate department head and approved by the mayor and the board. (Ordinance 2.95 adopted March 14, 1995, Section 2)

Section 2:83 Work conditions

A.(1) The town hall shall be staffed from 8:00 a.m. to 4:30 p.m. on Monday through Friday, and such other times as directed or approved by the mayor and approved by the board.

(2) Work week. (a) The work week for full-time employees shall be forty hours from Monday through Friday, except as otherwise determined by the mayor and approved by the board.

(b) The work week is Saturday through Friday for payroll, accounting, leave, and overtime purposes.

(3) Work day. (a) The regular work day for full-time employees, other than police personnel, is 8:00 a.m. to 5:00 p.m., with a one-hour lunch period between 11:30 a.m. and 1:30 p.m. The work day in the months in which daylight savings time is not in effect shall be from 8:00 a.m. to 4:30 p.m., with a one-half hour lunch break between 11:30 a.m. and 1:30 p.m.

(b) Except as specifically required by the mayor or the appropriate department head, no employee shall begin work prior to 8:00 a.m., work during the designated lunch hour, or work after 5:00 p.m.

(4)(a) If it is necessary for employees, other than police personnel, to work beyond the regular work day, the mayor or authorized department head may authorize or require overtime work.

(b) If it is necessary for police personnel to work beyond regular work day, the chief of police may authorize or require overtime work.

(5) Overtime. An "overtime hour" is an hour worked by a full-time employee, other than

police personnel, at the direction of the mayor or authorized department head and is an hour worked by a police department full-time employee at the direction of the chief of police:

(a) On the employee's official holiday.

(b) In excess of the hours in a regular work day.

(c) In excess of the hours in a regular work week.

(d) On a day which the employee's department is closed by direction of the mayor because of a natural emergency.

(6) Compensatory leave. (a) Compensatory leave shall be earned at time and one-half rate for overtime work and for work required on an observed holiday. However, any employee who accrues two hundred forty (240) hours of compensatory leave shall, for any additional overtime hours or work, be paid overtime compensation at time and one-half (1 ½) rate.

(b) Consistent with the needs of the town, the appropriate department head shall assure that each employee is allowed compensatory leave for overtime worked.

(c) To the extent practicable, an employee may take leave equal to all or any portion of accumulated compensatory leave, without interruption of normal pay, for the pay period within which taken and without charge against accumulated sick or annual leave. Compensatory leave may be taken only with the advance approval of the appropriate department head.

(d) Upon separation, each employee shall be paid the value of his accrued compensatory leave in a lump sum disregarding any final fraction of an hour at a rate not less than the average regular rate received during the last three years of employment or the final regular rate received, whichever is higher. The payment for such credits shall be computed by converting the applicable rate to an hourly rate with the converted hourly rate being multiplied by the number of hours of accrued compensatory leave.

(e) Elected officials are not eligible for compensatory time.

B. Holidays. (1) Town holidays shall include the following days and any other day determined by the mayor and the board of aldermen:

New Years Day
Martin Luther King's Birthday
President's Day
Monday prior to Mardi Gras Day
Mardi Gras Day
Good Friday
Memorial Day

Independence Day
Labor Day
Veteran's Day
Thanksgiving Day
Friday following Thanksgiving Day
Christmas Day
Inauguration Day (every four years)
General Election Day (every two years)
Employee Birthday

(2) Working on a holiday at the direction or with the approval of the mayor or the appropriate department head is a condition of employment.

(3)(a) Any holiday observed by the town which occurs during a full-time employee's regular work hours shall be considered as a work day during that week for purposes of calculating the work week.

(b) If a holiday falls on a Saturday, the holiday will be taken on Friday. If a holiday falls on a Sunday, the holiday will be taken on Monday.

(b) If a holiday occurs on a full-time employee's regular day off, the employee may take the day before or the day after the holiday or accept a later date in the calendar year.

(4) Holidays shall not be counted as annual leave. Employees will receive full pay for such days.

(5) No employee is eligible for compensation on any holiday when the employee is on leave without pay immediately preceding and following the holiday.

C. Employees are not required to come to work or to remain at work during any time when they are released from work by the mayor due to an emergency or bad weather conditions. Employees will be compensated as if they were working, except that any employee who elects to work during normal working hours shall not receive extra compensation.

D. Pay period. Employees shall be compensated on a bi-weekly basis. Checks shall be distributed after 4:00 p.m. on Friday concluding the bi-weekly period.

E. Time accounting. (1) Time clocks or time sheets shall be provided for the recording of employee time.

(2) Each employee must personally account for his own time. Any employee who asks anyone else to sign or log the employee in or out or who attempts to sign or log in or out anyone other than himself may be dismissed or otherwise disciplined.

(3) Any employee who falsifies a time card or sheet may be dismissed or otherwise disciplined.

(Ordinance 2 of 1986 adopted June 3, 1986; Ordinance 2.95 adopted March 14, 1995, Section 3; Ordinance 07-03 adopted December 9, 2003; Ordinance 01-07 adopted March 20, 2007)

Section 2:84 Compensation and benefits

A.(1) Full-time employees shall be compensated according to the town pay plan.

(2) Classification and pay changes affecting an employee shall become effective at the beginning of each town fiscal year.

B. The town may make the following deductions from an employee's pay when specifically authorized in writing by the employee:

(1) Insurance premiums

(2) Hospital medical plan premiums

(3) Charitable contributions

C. Worker's compensation. (1) Employees shall be covered by worker's compensation.

(2) When an employee is absent from work due to disabilities for which he is entitled to worker's compensation benefits, he

(a) shall, to the extent of the amount accrued to his credit, be granted sick leave not to exceed the amount necessary to receive total payments for leave and worker's compensation equal to his regular salary.

(b) may, to the extent of the amount accrued to his credit, be granted annual leave not to exceed the amount necessary to receive total payments for leave and worker's compensation equal to his regular salary.

(c) may be granted leave without pay.

D. Insurance. (1) Through programs selected by the board, the town may offer group hospitalization, accident, and major medical insurance coverage and life insurance coverage for full-time employees. The employee and the town shall each pay one-half (½) of the premium for such insurance.

(2) The town may make supplemental insurance programs available to full-time employees. However, the employee shall pay all of the premiums for such supplemental insurance.

E. Social security. (1) It is the policy and purpose of the town to extend the provisions of Section 1 of Act 204, Regular Session of the Louisiana Legislature of 1952, as amended, providing social security to eligible officers and employees of the town. In pursuance of this policy, and for such purpose, the officers of the town shall take such action as may be required by applicable state or federal laws and regulations. The coverage of eligible officers and employees shall be effective as of the effective date of this Section.

(2) The mayor may execute any necessary agreement to secure coverage of eligible officers and employees as provided in (1).

(3) Withholdings from salaries or wages of officers and employees for the purposes provided in (1) may be made in the amounts and at the times as may be required by applicable state and federal laws and regulations and shall be paid in the amounts and at the times as are designated by law and regulation.

(4) Employer contributions and assessments for administrative expenses shall be paid from amounts appropriated for such purposes to the state agency in accordance with applicable state law and regulation.

(5) The clerk shall maintain records and submit reports as may be required by applicable state and federal law or regulation.

F. Retirement. (1) The town desires to extend the provisions of Act No. 788 of 1978 to provide membership in Plan B of the Municipal Employees' Retirement System of Louisiana for its eligible employees on the effective date of this Section.

(2) Withholding from salaries or wages of eligible employees may be made in the amount and at such times as may be required by the Board of Trustees of the Town Employees' Retirement System of Louisiana in accordance with Act No. 788 of 1978, or any amendment thereof, and such withholdings shall be transferred to the Board of Trustees of the Municipal Employee's Retirement System of Louisiana in such amounts and at such times as are designated by state law and regulation.

(3) An "authorized agent" shall be appointed to act as the coordinator between the town and the Board of Trustees of the Municipal Employees' Retirement System of Louisiana. The agent shall be an employee working on a permanent, regularly scheduled basis of at least thirty-five hours per week or an elected official. The authorized agent shall maintain necessary records and submit such reports as may be required by applicable state law or regulation of the board of trustees. (Former Sections 23:1, 2, 3, 4, 5, and 19; Ordinance 2.95 adopted March 14, 1995, Section 4; Ordinance 02-03 adopted April 8, 2003)

Section 2:85 Leave

A. Full time employees shall be eligible for annual leave, sick leave, family and medical

leave, civil leave, funeral leave, military leave, education leave, maternity leave, and leave of absence without pay, as provided in this Section.

B. Annual leave. (1) "Annual leave" is leave with pay granted to a full time employee for the purpose of rehabilitation, restoration, and maintenance of work efficiency, or transaction of personal affairs.

(2) Annual leave schedule. For the first five (5) years of employment, each employee shall receive five (5) days of annual leave. For the next five (5) years of employment (six(6) to ten (10) years of employment), each employee shall receive ten (10) days of annual leave. For the next five (5) years of employment (eleven (11) to fifteen (15) years of employment), each employee shall receive fifteen (15) days of annual leave. For the next years of employment (sixteen (16) years of employment or greater), each employee shall receive twenty (20) days of annual leave. [One day is based on eight (8) hours.]

(3) An employee may not carry over or accumulate annual leave from one calendar year date to another.

(4) Annual leave may be taken as earned by an employee with the approval of the employee's department head. However, annual leave is permissive and may be denied by the employee's department head or the mayor when conditions are such that the ordinary work of the town could not be performed adequately if annual leave were granted. Annual leave may not be taken in less than four (4) hour increments.

(5) (a) The mayor or authorized department head may require an employee, other than a police officer, to take annual leave whenever in his administrative judgment such action would be in the best interest of the town.

(b) The chief of police may require police personnel to take annual leave whenever in his administrative judgment such action would be in the best interest of the town.

(6) No employee shall be granted any annual leave not credited to the employee's account at the time the absence occurs.

(7) Upon termination, all annual leave accrued by an employee for which he is not paid shall be canceled.

(8) Elected officials are not eligible for annual leave.

C. Sick leave. (1) "Sick leave" is leave with pay granted a full time employee who is suffering with a disability which prevents him from performing his usual duties and responsibilities or who required medical, dental, or optical consultation or treatment.

(2) After an employee's first full time employment anniversary date, sick leave may also be used for immediate family. For this purpose, "immediate family" includes spouse, child, grandchild, mother, father, grandparent, mother-in-law, father-in-law, brother, and sister.

(3) Sick leave with pay is not a right which an employee may demand but a privilege granted by the town.

(4) Leave from work with pay may be charged as sick leave if the absence is due to sickness, bodily injury, quarantine, required physical or dental examinations or treatment, or exposure to a contagious disease which continued work might jeopardize the health of others. All such absences, except those resulting from intemperance or immorality, shall be charged against the sick leave credit of the employee.

(5) Sick leave credits accumulated by each employee as of the effective date of this Section shall be retained.

(6) Each full time employee shall earn sick leave at the rate of eight (8) hours for each month worked. However, no employee may accumulate more than eighty (80) hours of sick leave per year or accumulate more than two hundred forty (240) hours of sick leave overall.

(7) The mayor shall determine when a doctor's certificate is required and under what conditions certificates are required. Department heads shall be responsible for the application of this provision so that there will be no abuse of sick leave privilege.

(8) Employees who resign or retire or who are dismissed from employment shall not be paid for any accrued sick leave and all such leave shall be canceled.

(9)(a) The mayor or authorized department head may place an employee, other than a police officer, on sick leave when the employee asserts the need to be absent from the work place because of the employee's illness or injury.

(b) The chief of police may place police personnel on sick leave when the employee asserts the need to be absent from the work place because of the employee's illness or injury.

(10) No employee shall be granted any sick leave not credited to the employee's account at the time the absence occurs.

(11) Elected officials are not eligible for sick leave.

D. Family and medical leave. (1) Each eligible employee under the federal Family and Medical Leave Act of 1993 must substitute accumulated annual leave and sick leave for any part or all of the weeks of leave to which the employee is entitled under that Act.

(2) An employee on family and medical leave shall report periodically during the leave period on his leave status and intention to return to work.

(3)(a) An employee who has taken family and medical leave shall provide a certificate signed by a doctor to support his claim for leave for his own serious health condition or to care for a seriously ill child, spouse, or parent. If the leave is due to the employee's own medical condition, the certificate must also include a statement that the employee is unable to perform the functions of his position. If the leave is to care for a seriously ill child, spouse, or parent, the certificate must include an estimate of the amount of time the employee is needed to care for the child, spouse, or parent.

(b) The town may require a second medical opinion and periodic recertification at its own expense.

(c) If the first and second opinions differ, the town, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the town and the employee.

(4) If an employee takes such leave on an intermittent or on a reduced leave schedule that reduces the employee's usual number of hours worked per week or per work day, the town may require the employee to transfer temporarily to an alternative position which better accommodates the leave than the employee's regular position, provided that the position has equivalent pay and benefits.

(5) An employee who takes such leave to care for a newborn child or a child which has been placed with the employee for adoption or foster care may not take leave intermittently or on a reduced leave schedule unless the town and the employee agree to such an arrangement.

E. Civil leave. (1) An employee shall be given time off without loss of pay or personal leave when:

(a) Performing jury duty.

(b) Summoned to appear as a witness before a court, grand jury, or other public body or commission, provided that for purposes of this provision a plaintiff or defendant shall not be considered a witness. Nor does this provision apply to an employee summoned as a witness as a result of employment other than town employment.

(c) Performing emergency civilian duty in relation to national defense.

(d) The mayor determines that he is prevented by an act of God from performing duty.

(e) The mayor determines that because of local conditions or celebrations it is impracticable for employees to work.

(f) The employee is ordered to report for pre-induction physical examination incident to possible entry into the military forces of the United States.

(g) The employee is a member of the National Guard and is ordered to active duty incident to local emergency, act of God, civil or criminal insurrection, civil or criminal disobedience, or similar occurrences of an extraordinary and emergency nature which threatens or affects the peace or property of the people.

(2) Employees may keep all fees received from jury duty in addition to regular compensation.

F. Funeral leave. An employee may be granted time off without loss of pay, annual leave, or sick leave when attending the funeral or burial rites of a parent, step parent, child, step child, brother, step brother, sister, step sister, spouse, mother-in-law, father-in-law, grandparent, or grandchild; provided such time off shall not exceed five (5) days on any one occasion.

G. Military leave. (1) An employee who is a member of a reserve component of the Armed Forces of the United States is entitled to military leave with pay when placed on military active duty for training by order of an authority of the Armed Forces of the United States and when given constructive credit for such training.

(2) The maximum military leave with pay for military active duty for training is fifteen (15) working days per calendar year.

(3) An employee may apply for but shall be required to take annual leave or compensatory leave for military purposes. However, the employee shall be entitled to leave without pay for a period of up to ninety consecutive calendar days:

(a) When ordered to military active duty.

(b) When placed on military active duty for training.

(c) When placed on military training duty and the maximum authorized military leave with pay has been exhausted or is not authorized.

(4)(a) "Military active duty" means full-time duty in the active military service, other than military active duty for training.

(b) "Military active duty for training" means full-time paid duty in the active military service for training purposes.

(c) "Military training duty" includes active and inactive duty for training such as annual two-week summer encampments and cruises, weekly and weekend drills or training meetings, attendance

at service schools for refresher training or the upgrading of military skills, field exercises, and the like.

H. Education leave. A leave of absence at full or part pay may be granted by the mayor and board to permit a full time employee to take courses of study which will better equip the employee to perform his duties for the town.

I. Maternity leave. (1) Absence from work caused by pregnancy, childbirth, or related medical conditions is considered to be a temporary disability which prevents an employee from performing the usual duties associated with employment. An employee may take up to six (6) weeks of sick leave for maternity reasons, unless a doctor certifies, in writing, that an extended amount of time is needed due to medical reasons.

(2) If accrued sick leave is exhausted, and additional leave is needed due to illness or disability, compensatory leave or annual leave, or both, may be used, subject to the approval of the appropriate department head.

J. Leave absence without pay. (1) "Leave of absence without pay" means time off from work without pay granted by the mayor, or authorized department head, or imposed by the mayor, or authorized department head, for an unapproved absence.

(2) The mayor or authorized department head may extend leave of absence without pay to any employee for a period not to exceed six (6) months, provided that such leave shall not prolong the period of appointment.

(Ordinance 2 of 1986 adopted June 3, 1986; Ordinance 2.95 adopted March 14, 1995, Section 5)

Section 2:86 Filling vacancies

A.(1) "Vacancy" as used in this Section includes a new position and a vacancy in a position.

(2) Vacancies shall be publicized in order that qualified persons shall be encouraged to apply and qualify.

(3)(a) A vacancy in a position listed in R.S. 33:404(3) shall be filled as provided by law.

(b) A vacancy in any other position shall be filled from among qualified applicants.

(4) The appropriate department head, other than the chief of police, shall review the applicants, and if there are more than two qualified applicants, shall submit two names for consideration to the mayor. In such instances, the mayor may request the personnel committee to review the applicants and make recommendations to the mayor.

B. (1) A personnel committee is established which shall consist of two (2) members of the

board appointed by the mayor who shall serve as chairman.

(2) The committee shall assure all employees that every effort will be made to see that they are treated fairly, given the opportunity to advance when possible, and have the right to discuss work problems, salary, or any job related subject with the mayor and board by going through proper channels.

C(1) Applicants shall complete the application form provided by the town.

(2) The application form shall require the applicant to disclose the conviction of any crime.

(3) Applicants for a position which requires the operation of a motor vehicle shall provide proof of a valid driver's license.

(4) Any applicant falsifying any information on the application may be dropped for consideration of employment. Any employee who provided false information on the application form may be dismissed or otherwise disciplined.

D. (1) In order to provide shorter emergency response time, foster loyalty to the town, and support the tax base, applicants who are residents of the town will be given first consideration for full time employment over nonresidents and depending on qualifications.

(2) Appointments shall be based on merit and fitness. However, in filling a position, an effort shall be made to promote qualified employees before seeking other applicants.

E Physical examination. Each applicant who has been offered employment shall, as a precondition to such employment, take a physical examination.

G. Drug test. Each applicant who has been offered employment shall, as a precondition to such employment, take a drug test.

(Ordinance 2.95 adopted March 14, 1995, Section 6; Ordinance 2-97 adopted April 8, 1997)

Section 2:87 Employee orientation

The town shall provide, and each new town employee shall take part in, an orientation period consisting of reviewing the town's personnel ordinances, rules, and policies, safety rules and regulations, employee benefits, job duties, and other pertinent rules, regulations, ordinances, and laws.

(Ordinance 2.95 adopted March 14, 1995, Section 7)

Section 2:88 Probation

A. Each appointment shall commence with a probationary period of six (6) months. This

period allows the town to determine whether the employee's performance meets accepted town standards and the employee with an opportunity to determine whether he is satisfied with the position.

B. During this probationary period, no classification or pay change shall occur and employment can be terminated, by the town or by the employee, without notice.

C. Successful completion of the probationary period does not require any classification or pay change nor is to be interpreted as a contract with the employee for employment for any definite or specified term.

(Ordinance 2.95 adopted March 14, 1995, Section 8)

Section 2:89 Employee development

A. Training needs and opportunities shall be identified to help employees achieve performance goals. Based on needs indicated in the evaluation of employees, the town shall provide in-service training to improve the job related skills of the employees.

B. Attendance at workshops, conventions, seminars, short courses, or professional meetings which will enhance the development of employees is encouraged. The attendees may be asked to provide a written summary of their activities or to conduct short courses or workshops for other employees when they return. Applications must be made with the appropriate department head before attendance is approved and leave can be granted for this purpose.

(Ordinance 2.95 adopted March 14, 1995, Section 9)

Section 2:90 Employee standards of conduct

A. Accidents. Employees are to report the occurrence of any accident while at work, however minor, to the appropriate department head. If the accident happens after 5 p.m. or on weekends or holidays, the report must be made on the next working day.

B. Alcohol. (1) No employee shall possess, distribute, dispense, sell, use, or ingest any alcoholic beverage during work hours or on town premises or in the immediate premises wherever town work is being conducted. "Possess" includes having an alcoholic beverage in the employee's immediate work area.

(2) No employee shall report to work under the influence of alcohol.

C. Appearance. Employees are to dress appropriately and be neat, clean, and well-groomed at all times while working. The work being performed by the employee will be considered.

D. Attendance. (1) Attendance is expected of all employees. However, when it is necessary to be absent from work, an employee must inform his department head as soon as possible of the

absence, the reason for the absence, where he can be reached during his absence, and when he will return to work.

(2) Employees are to report to work on time.

(3) Any employee absent from work for three (3) consecutive days without notifying his department head will be considered to have abandoned and voluntarily resigned his position.

E. Drugs. (1) Except for law enforcement purposes, no employee or volunteer shall possess, use, or ingest any controlled substance or controlled dangerous substance.

(2) No employee or volunteer, whether on-duty or off-duty, shall violate the Uniformed Controlled Dangerous Substances Law.

(3) No employee shall report to work, and no volunteer shall report to serve, under the influence of any controlled substance or any controlled dangerous substance.

(4)(a) An employee shall notify his department head, who shall then notify the mayor, of any criminal drug statute conviction for a violation occurring in the town workplace no later than five (5) days after such conviction.

(b) If the town is subject to the federal Drug-Free Workplace Act of 1988, the mayor shall notify the appropriate federal agency of the conviction no later than ten (10) days after receiving notice as described in (4)(a) from the employee or otherwise receiving actual notice of the conviction.

(c) Within thirty (30) days after receiving notice of a conviction described in (4)(a) and subject to R.S. 33:404(A)(3), the mayor shall take one of the following actions of the employee so convicted:

(i) Take appropriate personnel action against the employee, up to and including termination.

(ii) Require the employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency.

(5) As used in this Section, "controlled substance" is any controlled substance in Schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. 812).

(6) As used in this Section, "controlled dangerous substance" is any controlled dangerous substance in Schedules I through V of the Uniform Controlled Dangerous Substances Law (R.S. 40:964).

F. Misrepresentation. No employee shall purport to represent the town while engaged in private business.

G. Town property. (1)(a) Elected officials and employees shall exercise due care in their use of town property and utilize such property only for authorized purposes.

(b) Inventory accountability is conducted each January and at other times at the discretion of the mayor. To assure accurate and timely results, employees shall assist the personnel responsible for the inventory check. Forms containing the office furniture and equipment assigned to, used by, or otherwise in the control or possession of each employee will be distributed. Each employee is to review and revise the form as necessary and then sign the form verifying the inventory of the form is assigned to, used by, or otherwise in his control or possession. At each annual inventory accountability, employees shall submit a copy of their updated inventory listing. If any discrepancies occur and the furniture or equipment is not located, the last employee verifying the item shall be responsible for the missing item.

(c) Unauthorized removal of town property from the premises or its conversion to personal use is prohibited.

(2) Town property is subject to inspection at any time and without prior warning. "Town property" includes, but is not limited to, vehicles, desks, files, containers, and foot lockers. There shall be no expectation of privacy by any employee concerning any town property. However, any inspection of any employee's locker shall be in the presence of the employee.

(3) Town property issued to elected officials or employees must be returned to the town at the time he terminates office or employment or when it is requested by the mayor and board or the department head. The value of any property issued and not returned may be deducted from his pay check.

(4) Town vehicles shall not be driven beyond the town limits by any employee or elected official with the exception of:

(a) Unless on official business for the town.

(b) Unless in hot pursuit [police department].

(c) Unless driven to and from home, for employees that take vehicles home by authorization of the mayor and the board.

(d) For emergency purposes.

(e) Unless on official police business by authorization of the chief of police.

(5) Town employees and elected officials charging fuel or services for town vehicles shall place the license number, the mileage, gallons purchased, and the total of said vehicle serviced on the receipt of that vehicle, and the receipt must be signed by said employee or elected official.

(6) Town employees and elected officials are prohibited from charging fuel or services for personal vehicles to the town.

(7)(a) Town vehicles are to be driven by employees or elected officials only and are prohibited from having passengers with the exception of police officers carrying prisoners.

(b) Town employees and elected officials using town vehicles will maintain a log of every trip outside the town limits providing the beginning and ending mileage, the date and the purpose of the trip and be signed by said person. The documentation will be kept for each vehicle and turned in to the front office periodically or when requested.

(c) Smoking is prohibited in town vehicles.

(8) Violators of this Subsection shall be suspended without pay for a time to be decided by the board or terminated.

H. Outside employment. The work of the town shall have precedence over the other occupational interests of employees. All outside employment for salary, wages, or commission and all self-employment must be reported to the mayor and the board. Conflicting outside employment is prohibited.

I. Political activity. (1) Partisan political activity by an employee while at work, including publicly or privately advocating or lobbying passage or defeat of any matter before the town, is prohibited.

(2) No employee shall participate in any activity which would substantially compromise the ability of the employee to discharge with neutrality, efficiency, and integrity his duties and obligations to the town. Such prohibited activities shall include, but not be limited to, the following:

(a) Service as an officer of a political party; a member of a national, state, or local committee of a political party; an officer or member of a committee of a partisan political club; or being a candidate for any of these positions.

(b) Organizing or reorganizing a political party organization or political club.

(c) Becoming a candidate for elective public office.

J. Prescription medicine. (1) Except for law enforcement purposes, no prescription medicine shall be brought upon town premises by any person other than the person for whom the

medicine is prescribed by a physician, and such medicine shall be used only in the manner, combination, and quantity prescribed.

(2) Any employee or volunteer required to take a prescription medicine or any other medication shall notify his department head of the type of medication prescribed and the purpose for the prescription and may be required to provide written verification from the prescribing physician.

(3) No employee or volunteer shall operate a town motor vehicle or equipment or carry a firearm while taking prescription medicine, unless the prescribing physician advises the employee's or volunteer's department head in writing that the medication will not impair his abilities.

(4) Any employee or volunteer required to take prescription medicine that may impair his ability to operate a motor vehicle or equipment, carry a firearm, or to make split-second decisions shall report this to his department head who shall alter the employee's or volunteer's assignment without retribution to the employee or volunteer.

K. Purchasing. An employee may initiate a request for goods or services through his department head using the form provided by the town.

L. Sexual harassment. (1) Sexual harassment of or by an employee is prohibited.

(2) Per federal Equal Employment Opportunity Commission guidelines, sexual harassment means any unwelcome sexual advances, requests for sexual favors, and other verbal or physical contact of a sexual nature when:

(a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; or

(b) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual; or

(c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

(3)(a) Complaints of sexual harassment may be directed to the appropriate department head, or in writing, to the mayor. A complainant is strongly encouraged to consult initially with his department head to attempt informal resolution, but failure to do so will in no way limit the right to utilize fully this grievance procedure if resolution cannot be accomplished through the department head. Complaints must be made within one year after occurrence of the alleged prohibited conduct.

(b) All complaints of sexual harassment, and information and proceedings relating thereto, shall be kept in strict confidence except as otherwise specified herein.

(4)(a) The department head shall, in a timely manner, conduct an investigation of the complaint, interviewing appropriate persons, examining relevant records, and consulting with and utilizing any appropriate employee.

(b) If the department head deems it appropriate, the complainant and the person against whom the complaint is made may be brought together to attempt an informal resolution.

(c) Both the complainant and the person against whom the complaint is made may have counsel present at any interview or other proceeding.

(5)(a) Upon conclusion of the investigation, and within one hundred eighty (180) days after the complaint was brought, the department head shall make a written recommendation to the mayor which shall be one of the following:

- (i) A recommendation of a finding that no prohibited conduct has occurred;
- (ii) A recommendation that material facts in dispute be resolved by conducting a formal hearing; or
- (iii) A recommendation of a finding that no facts are in dispute and that prohibited conduct has occurred.

(b) Copies of the department head's written recommendation shall be provided to the complainant and the party against whom the complaint was made.

(6) The mayor may, but need not, adopt the department head's recommendation. The mayor may adopt the department head's recommendation of a finding that prohibited conduct has occurred, and proceed under Paragraph (9) of this Subsection. The mayor may adopt the department head's recommendation of finding of no cause, and issue a written determination dismissing the complaint.

(7) Upon adoption of the department head's recommendation to conduct a formal hearing, or upon written request of a party accompanied by a showing of material facts in dispute, the mayor shall conduct or cause to be conducted a formal hearing. The hearing shall provide a fair opportunity for parties and witnesses to be heard, shall be conducted so as to do substantial justice between the parties, and shall not be bound by statutory provisions or rules of practice, procedure, pleading, or evidence. At the conclusion of the hearing, the mayor shall issue a written statement of findings of facts and conclusions of law, including a determination as to whether or not prohibited conduct has occurred.

(8) The record maintained with respect to each complaint of sexual harassment shall contain: the written complaint, if any; any written statement produced during the investigation; the recommendation of the department head; if a formal hearing is conducted, a record thereof in a form determined by the mayor; the mayor's statement of findings of fact and conclusions of law; and the

mayor's written determination. Such record shall be available to either party or the designee thereof.

(9) Remedies. If the mayor determines that prohibited conduct has occurred, the mayor shall order one or more of the following remedies:

- (a) An apology by the offender.
- (b) Direct the offender to stop the offensive behavior.
- (c) Require the offender undergo counseling or training.
- (d) Oral censure of the offender.
- (e) Written censure of the offender, to be included in the offender's personnel file.
- (f) Transfer, suspension, with or without pay, or discharge of the offender, or any other action which may be appropriate under the circumstances.

(10) If any party is not satisfied with the outcome of the grievance procedure, appeal may be taken directly to the mayor.

(11) State and federal law provide administrative and judicial remedies which may be pursued by filing a complaint with the Louisiana Commission on Human Rights and the federal Equal Employment Opportunity Commission. A civil action may be filed in district court. However, it is recommended, but not legally required, that the complainant first use the grievance procedure established herein.

(12) No employee shall be subject to retaliation in any form as a result of bringing a complaint or testifying or assisting in a grievance brought pursuant to this procedure. A complaint of such retaliation should be directed to the appropriate department head or in writing to the mayor.

(13) No employee or volunteer shall make an intentionally false complaint.

M. Solicitation. Solicitation by and of employees on town premises is prohibited. However, solicitation for gifts for town employees (resignation, retirements, weddings, births, etc.) are permitted.

N. Except as otherwise specifically provided, a violation of this Section shall be grounds for disciplinary action, including dismissal.
(Ordinance 2 of 1986 adopted June 3, 1986; Ordinance 2.95 adopted March 14, 1995, Section 10; Ordinance 2-97 adopted on April 8, 1997)

Section 2:91 Drug and alcohol testing

A. The town desires to maintain a safe, healthful, productive, and efficient environment and workplace for its employees and volunteers and the public they serve. The town acknowledges that substance abuse increases the potential for accidents, absenteeism, substandard performance, poor employee morale, and damage to the town's reputation. Therefore, the town adopts a policy against substance abuse, and places in effect a testing program for applicants, employees, and volunteers, as outlined in this Section.

B. As used in this Section, the following terms have the following meaning:

(1) "Applicant" means a person (a) seeking full-time employment with the town or (b) seeking to perform volunteer service to the town which involves operating a town motor vehicle or equipment or carrying a weapon.

(2) "Appointing authority" means the town officer or the town body which has the authority to appoint or employ the employee or volunteer.

(3) "Controlled substance" means a controlled substance as defined in 21 U.S.C. 812 in Schedules I through V.

(4) "Controlled dangerous substance" means a drug or other substance or immediate precursor listed in R.S. 40:964 in Schedules I through V.

(5) "Drug" means and includes controlled substances, controlled dangerous substances, and alcohol.

(6) "Employee" means a person employed on a full-time basis by the town.

(7) "Physician" means a physician licensed to practice medicine in this state.

(8) "Volunteer" means a person who provides volunteer service to the town by operating a town motor vehicle or equipment or by carrying a firearm.

C. This Section applies to all employees, volunteers, and applicants.

D.(1)(a) The mayor shall establish a drug free awareness program to inform employees and volunteers about:

(i) The dangers of drug abuse in the workplace.

(ii) The town policy of maintaining a drug free workplace.

(iii) Any available drug counseling, rehabilitation, and employee assistance programs.

(iv) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.

(b) The mayor shall implement and maintain the policy set forth in this Section.

(2) Any employee or volunteer who has reasonable suspicion to believe that another employee or volunteer is either (a) involved in the manufacture, possession, distribution, dispensing, sale, or use of a controlled substance or controlled dangerous substance or (b) abusing the legal use of prescription or nonprescription medicine shall notify his department head who shall advise the mayor.

(3) The policy and procedures set forth in and under this Section shall conform with applicable law, particularly R.S. 23:1081 et seq. (Louisiana Worker's Compensation Law) and R.S. 23:1601 et seq. (Louisiana Employment Security Law).

(4)(a)(i) On and after ninety (90) days after this Section becomes effective, each applicant shall submit to a drug-screening urinalysis as a part of his pre-employment or prequalification medical exam.

(ii) In addition, each applicant shall complete a medical questionnaire providing a complete list of all prescription and nonprescription medicines being taken at the time. The questionnaire shall be kept in the mayor's office and shall remain confidential.

(iii) Any applicant found to test positively for a particular controlled substance or controlled dangerous substance, unless caused by a medicine for which a valid prescription was given by a physician and which was made known to the town prior to testing, shall be rejected and may not re-apply for employment or volunteer service for a period of one year from the date of notification of the results.

(iv) Any applicant refusing to submit to drug testing during pre-employment or prequalification shall be rejected.

(b) Prior to thirty day after this Section becomes effective, each employee and volunteer shall complete a medical questionnaire providing a complete list of all prescription and nonprescription medicines being taken at the time. As medicines change, the employee or volunteer shall update his questionnaire. The questionnaire shall be kept in the mayor's office and shall remain confidential.

(c) On and after ninety (90) days after this Section becomes effective, each employee and volunteer shall submit to tests for any drug as announced by the mayor for the following purposes:

(i) Investigation of possible individual employee or volunteer impairment of each employee or volunteer returning from drug/alcoholic rehabilitation or medical care and at any time there is reasonable suspicion that an employee or volunteer is under the influence of a drug during work or

service hours. "Reasonable suspicion" means an articulable belief based upon specific facts and reasonable inferences drawn from those facts that any employee or volunteer is under the influence of a drug. Circumstances which constitute a basis for determining "reasonable suspicion" may include, but are not limited to direct observation of drug use; a pattern of erratic or abnormal behavior and mood changes; information provided by a reliable and credible source; an accident; presence of physical symptoms of drug use, such as slurred speech, glassy eyes, and poor coordination or reflexes; decreased productivity; unusual absenteeism or tardiness; or frequent or prolonged absence from the work area. The department head shall submit to the mayor a written report stating the facts and circumstances upon which the recommended testing is based, and the mayor or his designated representative shall make the final decision as to whether the test will be conducted.

(ii) Investigation of accidents or incidents involving an employee, volunteer, or town property or incidents of workplace theft.

(iii) Maintenance of safety for employees, volunteers, or the general public.

(iv) Maintenance of productivity, quality of products or services, or security of property or information.

(v) Monitoring to assure compliance with the terms of a rehabilitation program.

(vi) Random testing of employees who occupy safety-sensitive or security-sensitive positions.

(4) Tests may be conducted without prior notice.

(5) Any employee or volunteer who refuses to submit to a required drug test shall be relieved from duty or service and possibly dismissed.

E.(1) All drug testing, except as otherwise specifically provided in this Section, shall be conducted at medical facilities or laboratories selected by the town. To be eligible as a site, a medical facility or laboratory must submit in writing a description of the procedures that will be used to collect, maintain, and test samples and be experienced and capable of quality control, documentation, and chain of custody techniques.

(2) All sample collection and testing shall be performed as follows:

(a) The employee, volunteer, or applicant may be required to go to the facility where the laboratory is located to submit to testing.

(b) Each employee, volunteer, and applicant shall be positively identified by picture identification prior to obtaining a sample.

(c) A form shall be completed prior to the test that will serve to establish current medicines being taken, whether prescription or nonprescription, and any other information which the employee or volunteer considers relevant to the test.

(d) The area where a sample is collected shall be reasonably free from any foreign substance.

(e) Specimen collection shall be witnessed without violating the employee's, volunteer's, or applicant's right to privacy in a setting that will not demean, embarrass, or cause physical discomfort to the employee, volunteer, or applicant.

(f) The specimen taken shall be sealed, labeled, and checked against the identity of the employee, volunteer, or applicant. Such sample shall be properly collected, secured, stored, handled, and transported following appropriate rules of evidence and chain of custody and so as to reasonably preclude the probability of sample contamination or adulteration.

(g) Any employee testing will be done on the town's time and the employee required to test while off duty shall be compensated for the time.

(3)(a) The testing methods used shall be capable of identifying marijuana, cocaine, barbiturates, amphetamines, benzodiazepines, opiates, methadone, propoxyphenes, and PCP. Personnel utilized for testing shall be qualified and trained to conduct urinalyses.

(b) The test shall consist of a two (2)-step procedure:

(i) initial screening; and

(ii) confirmation by gas chromatography/mass spectroscopy.

(c) An initial screening that proves to be positive shall be reported, not as a positive test, but as a confirmation pending.

(d) The time frame between a confirmation pending and a positive confirmation shall not exceed forty-eight (48) hours.

(e) Notification of the confirmation pending or confirmation positive shall be reported initially to the mayor.

(f) Any sample which proves to be positive upon confirmation shall be retained for a period of at least twelve (12) months to allow the employee, volunteer, or applicant adequate time for further testing in case of dispute.

(g) An employee or volunteer who is found to be drug free shall be notified in writing and may, if he chooses, have a copy of the notification placed in his personnel file.

F. If the town has reasonable suspicion to believe that any employee or volunteer is under the influence of alcohol during work or service hours, the employee or volunteer shall submit to a breath test using the procedures established by the state Department of Public Safety and Corrections. Test results shall be made known to the town's designated agent upon completion of the test. If the results are positive (i.e. 0.01% or more), the employee or volunteer shall be subject to disciplinary action. Each employee and volunteer found to be alcohol free shall be notified in writing and may, if he so chooses, have a copy of the notification placed in his personnel file.

G. The mayor shall provide a copy of this Section to each applicant.

H. Prior to a drug test being administered, the employee, volunteer, or applicant shall be requested to sign a consent form authorizing the test and permitting the release of the result to the town or its authorized agents, and containing an acknowledgment of notification of the testing policy.

I. If an individual being tested tampers with the testing procedure or attempts to falsify a specimen or invalidate the chain-of-custody, he shall be immediately disallowed from continuing testing and treated as if a positive test result had been obtained.

J.(1) Violation of this Section shall be grounds for discipline, including dismissal.

(2) An unexplained positive test result shall be grounds for action by the mayor. This action may require the employee or volunteer to submit to a mandatory substance abuse program, psychological counseling, or medical treatment, all at the employee's or volunteer's expense.

(3) Each case shall be dealt with on an individual basis with all facts and circumstances being taken into consideration.

(4) Discipline, including dismissal, may result from cases of illegal use of a nonprescribed controlled substance or controlled dangerous substance or abuse of prescription medicine.

(5) Any employee with a positive alcohol test result for the first time shall be subject to suspension without pay for a period of five (5) days. A second positive test shall result in dismissal.

K. Confidentiality of information; exceptions. Except for claims for worker's compensation under R.S. 23:1081, claims for unemployment compensation under R.S. 23:1601(10), or other proceedings wherein the results are relevant or ordered produced a court, all information, interviews, reports, statements, memoranda, and test results received by the town in its drug testing program shall remain confidential to the town, authorized agents or representatives of the town, the tested employee, volunteer, or applicant, or those authorized by the employee, volunteer, or applicant to receive such information.

(Ordinance 2.95 adopted March 14, 1995, Section 11)

Section 2:92 Employee evaluation

A. The performance of each employee shall be evaluated between April first and May first annually. Department heads, other than the chief of police, shall be evaluated by the mayor. Every other employee shall be evaluated by his department head.

B. The evaluation of all employees shall be on forms approved by the mayor and the board.

C. Each employee shall receive a copy of his evaluation.

D. Evaluations shall be kept and maintained for three years in the employee's personnel file.

E. The evaluation of an employee may be inspected by the mayor and members of the board whenever the employee is the subject of a proposed personnel action such as a salary increase, promotion, transfer, reprimand, suspension, or termination.

F. The board may refer any personnel action requiring board approval to the personnel committee for hearing and recommendation.

(Ordinance 2.95 adopted March 14, 1995, Section 12)

Section 2:93 Employee discipline

A.(1) Subject to R.S. 33:404(A)(3), the mayor may reprimand, verbally or in writing; suspend with or without pay; demote; dismiss, or deny a salary increase to an employee for any of the following reasons:

(a) Behavior that interferes with the efficient performance of duties by other employees or that is detrimental to the town.

(b) Performance which falls below the town's standard.

(c) Failure to abide by any requirement of this Chapter or any rule or policy of the town.

(d) Other good cause.

(2) For any cause set forth in (1), an employee's department head may reprimand him, verbally or in writing. In addition, for any cause set forth in (1), an employee's department head may recommend to the mayor that the employee be suspended with or without pay, demoted, dismissed, or denied a salary increase.

(3) Before any disciplinary action referred to in Paragraph (1) is taken, each reason for the action must be compiled in a written statement. The mayor or the employee's department head shall present a copy of the statement to the employee or mail a copy of it to the employee at his last known

address. At the request of the employee, the mayor may conduct an informal meeting concerning each reason for the disciplinary action. The informal meeting may be attended by the mayor, the employee's department head, the employee, and any other person who has direct knowledge of any reason and whom the mayor has asked to attend.

(4) When a disciplinary action referred to in (1) is taken, the written statement concerning each reason for the action, any written statement the employee submits in connection with any reason for the action and a notation describing the action taken shall be made a part of the employee's personnel file.

(5) Subject to R.S. 33:404(A)(3), the mayor may dismiss an employee and terminate his employment immediately. If the employee is not available, written notice shall be sent to the employee's last known address.

B. During the investigation, hearing, or trial of an employee on any criminal charge, or during the course of any civil action involving an employee, when suspension would be in the best interest of the town, the mayor may suspend the employee without pay for the duration of the proceedings as a nondisciplinary measure. Back pay shall not ordinarily be recoverable but where the suspension is terminated by full reinstatement of the employee, the mayor may authorize full recovery of pay and benefits for the entire or for any lesser period of the suspension.

C. An employee whose performance is unsatisfactory shall be notified how his work is deficient and what he must do if his work is to be satisfactory. If the employee's work continues to be below standard, the mayor shall demote or dismiss the employee subject to R.S. 33:404(A)(3). (Ordinance 2.95 adopted March 14, 1995, Section 13)

Section 2:94 Termination from service

A. (1) An employee, other than a department head or employee of the police department, can be dismissed only after approval of the mayor.

(2) A department head can be dismissed only upon recommendation by the mayor and approval by the board of aldermen.

(3) An employee of the police department can be dismissed only upon recommendation of the chief of police and approval by the mayor and the board of aldermen.

B. In the event the town must terminate employees through no fault of the employees, the following system will be used:

(1) The employee having the least seniority in the respective department will be laid off first, providing that in the opinion of the of the department head, that all employees not laid off due to higher seniority are qualified to perform any job that is asked of them. If such employee cannot

perform such job, then he will be laid off in lieu of a lower ranking seniority employee who can perform any job duties that is asked of him.

(2) A two week severance notice shall be sent to all prospective lay off employees.

(3) Each laid off employee shall, upon reapplying to the town, be considered for re-employment.

C. When an employee resigns, he shall submit a letter of resignation to his department head two weeks prior to the date of resignation.

(Ordinance 2.95 adopted March 14, 1995, Section 14)

Section 2:95 Grievance procedure

A. Any full-time employee, other than a probationary employee, may make a complaint about or appeal any decision relating to the circumstances of his employment except:

(1) A salary recommendation, unless an employee can demonstrate both that there has been a significant departure from established office procedures and such departure significantly affected the managerial decision.

(2) A promotional decision, except where an employee can demonstrate that established promotional policies or procedures were either not followed or were unfairly applied.

(3) Work activity accepted by the employee as a condition of employment.

(4) Work activity which reasonably may be expected to be part of the employee's regular job position.

(5) The specific contents (rather than an interpretation of the contents) of any town employee personnel ordinance, policy, guideline, or regulation.

(6) The methods, means, and personnel by which managerial and department head employees choose to carry out the responsibilities properly assigned to the division or office.

B. Any question concerning whether a specific complaint or appeal of a decision may be made is within the sole discretion of the mayor.

C.(1) The employee shall first discuss the matter directly with his department head. If, after such discussion, the employee desires to pursue the matter, he shall state the complaint or appeal, in writing. The employee's department head shall meet with and provide a written response to the employee and a copy to the mayor within a reasonable time.

(2) If the employee desires to appeal the decision of his department head, he may do so in writing to the mayor within five (5) work days after receiving the written response of the department head. The mayor may meet with the employee, and the employee's department head. At (or prior to) the meeting, the employee may submit written documentation and testimony. Oral testimony shall be provided only by the employee and his department head. The mayor shall provide the employee with his written decision concerning the appeal within a reasonable time after the meeting. The decision of the mayor shall be final.

D. If the employee's department head fails to exercise the responsibilities assigned in this procedure within a reasonable time, without demonstrating good reason to the employee, the employee may appeal to the mayor as provided in (C)(2).

E. If, after having begun this procedure, the employee fails to exercise his responsibilities under any step within the specified time frames and without demonstrating reasonable cause for his failure to do so, the complaint or appeal shall be permanently terminated.

F. At any stage of this procedure, the most recent decision that has been rendered on the complaint or appeal shall remain in full force until such time as that decision has been upheld, reversed, or modified.

(Ordinance 2.95 adopted March 14, 1995, Section 15).

Section 2:96 Travel; expense reimbursement

A. Reimbursable traveling expenses are limited to those expenses necessarily incurred in the performance of a town purpose subject to the restrictions in this Section.

B. No claim for reimbursement shall be made of any lodging and/or meals furnished at no cost to the employee. No mileage or transportation expense will be allowed when gratuitously transported by any person.

C. All employee travel must be approved in advance by the mayor on the recommendation of the appropriate department head.

D.(1) Employee travel requests are to be submitted on forms provided by the town. The requesting employee must complete and sign the form and forward the same to his department head.

(2) Employee requests for approved travel that have been recommended by the appropriate department head must be submitted to the mayor at least five (5) days prior to the travel date.

(3) Approval of travel will be based on whether it relates to a specific subject area that currently or is anticipated to be major issues in the town, is consistent with the employee's development or training, or is useful for development of the town's personnel.

E. All lodging and commercial travel for approved travel must be arranged through the mayor's office.

F. Travel advances are prohibited except for overnight travel.

G. Reimbursement for expenses incurred during approved employee travel shall be in accordance with the following:

(1)(a) Common carrier must be used for out of state travel unless authorization of another method of travel is more cost efficient or practical. Commercial air travel will not be reimbursed in excess of coach/economy class rates unless space is not available in less than first or business class air accommodations in time to carry out the purpose of the travel in which case the employee will secure a certification from the airline indicating this fact.

(b) A mileage allowance of twenty-eight (\$0.28) cents per mile or IRS mileage allowance, whichever is greater, exists for employees using personally owned cars in the approved conduct of town business. In addition, an employee will be reimbursed with proper receipt for parking fees, ferry fares, and road and bridge tolls. However, the employee must pay all of the vehicle's operating expenses, such as fuel, repair, replacement of parts, and insurance.

(2)(a) Employee, while on travel on town business, shall be allowed ten (\$10) dollars per meal according to the following schedule:

(i) Breakfast - When travel begins at/or before 6:00 a.m. on the first day of travel or extends beyond 9:00 a.m. on the last day of travel, and for any intervening days.

(ii) Lunch - When travel begins at/or before 10:00 a.m. on the first day of travel, or extends beyond 2:00 p.m. on the last day of travel, and for any intervening days.

(iii) Dinner - When travel begins at/or before 4:00 p.m. on the first day of travel, or extends beyond 8:00 p.m. on the last day of travel, and for any intervening days.

(3) Only the following expenses incidental to travel shall be reimbursed:

(a) Communication expense relative to official town business. [Receipts required for over three dollars.]

(b) Extraordinary expenses with prior approval of the mayor.

(c) Registration fees at conferences.

(d) Charges for storage and handling of equipment.

(e) Cost of public ground transportation such as buses and taxis is reimbursable when the expenses are incurred as part of approved travel. For each transaction over fifteen (\$15) dollars, a receipt is required.

(f) Tips for baggage handling not to exceed one (\$1) dollar per bag.

(g) When using a motor vehicle on town business, necessary motor vehicle storage and parking fees, ferry fees, and road and bridge tolls. For each transaction over five (\$5) dollars, a receipt is required.

(4) Requests for reimbursement are to be submitted on forms provided by the town. The requesting employee must sign the completed form and forward the same, along with the necessary support data, to his department head who shall review and make a recommendation concerning the request and forward the same to the mayor for approval.

(Ordinance 2.95 adopted March 14, 1995, Section 16)

Section 2.97 Copy of ordinance to employees and volunteers

The mayor shall provide each employee and volunteer with a copy of this Section.
(Ordinance 2.95 adopted March 14, 1995, Section 17)

Section 2.98 Position and salary schedule

There is hereby established within the town, a position and salary schedule and pay plan, which shall govern the employees of the town as follows:

Position	Salary	
	Monthly	Hourly
(1) Police Department		
Police Clerk	\$1729.00	\$ 9.50
Assistant Police Clerk	\$1638.00	\$ 9.00
Patrolman/lieutenant POST certified	\$2366.00	\$13.00
Patrolman 1/C (five years) POST certified	\$2184.00	\$12.00
Patrolman 1/C POST certified	\$2082.08	\$11.44
Patrolman 2/C	\$1949.22	\$10.71
Patrolman 3/C	\$1665.30	\$ 9.15
Dispatcher (full time)	\$1501.50	\$ 8.25
Dispatcher (part time)		\$ 7.25
(2) Administration		
(a) Clerical Department		
Account Clerk	\$2487.33	\$14.35
Junior Account Clerk	\$2296.66	\$13.25

Position	Salary	
	Monthly	Hourly
Senior Clerk	\$2121.60	\$12.24
Junior Clerk	\$1993.33	\$11.50
Junior Clerk Apprentice	\$1858.13	\$10.72
Clerk	\$1729.86	\$ 9.98
(b) Buildings		
Meals on Wheels		\$ 7.25
Janitorial	\$1421.33	\$ 8.20
(c) Utility Department		
Utility Assistant Supervisor	\$2860.00	\$16.50
Utility Master	\$2730.00	\$15.75
Utility First class	\$2513.33	\$14.50
Utility Second class	\$2149.33	\$12.40
Utility Third class	\$1880.66	\$10.85
Utility Apprentice	\$1599.86	\$ 9.23
(e) Recreation Department	\$1000.00	
(Ordinance 06-07)		

Section 2:99 Police department operating manual; conflict with town ordinance

In the event that the town police department's Standard Operating Procedures Manual should conflict with the town's Policy and Procedure Ordinance, the town's policy and procedure ordinance shall supercede.

(Motion adopted August 11, 1998)

**Sub-Chapter F
Mayor's Court**

Section 2:101 Community service

The presiding officer of the mayor's court may, in his discretion, in lieu of any authorized penalty, order any criminal defendant, for each criminal charge for which the defendant is convicted, to perform community service, such service not to exceed the time for which the defendant could be sentenced to imprisonment, except as otherwise provided by ordinance.

CHAPTER 3
AMUSEMENTS

Reserved

CHAPTER 4

ANIMALS AND FOWL

Sub-Chapter	In General
Section 4:1	Livestock and fowl running at large, prohibited
Section 4:2	Keeping or animals near dwellings, prohibited
Section 4:3	Housing of animals and fowl in town, fly breeding places as nuisances
Section 4:4	Odors from pens or coops declared sanitary nuisance
Section 4:5	Cleaning of pens and coops
Section 4:6	Disposal of manure and droppings
Section 4:7	Riding or permitting horse or other animal upon sidewalk or street prohibited
Sections 4:8-24	Reserved
Sub-Chapter B	Impoundment of animals
Section 4:25	Impoundment of livestock found running at large
Sections 4:26-49	Reserved
Sub-Chapter C	Dogs and Cats
Section 4:50	Registration and inoculation or dogs required
Section 4:51	Definitions
Section 4:52	Inoculation of dogs required before same can be registered
Section 4:53	Metal tags to be issued to dogs registered
Section 4:54	License and registration fees
Section 4:55	Date of registration
Section 4:56	Failure to have dogs inoculated and registered
Section 4:57	Cats or dogs running at large
Section 4:57.1	Cat and dogs in public places
Section 4:58	Impoundment of cats or dogs running at large; duration; redemption; fee
Section 4:59	Impoundment of dogs that have bitten someone or are suspected of having rabies
Section 4:60	Unlawful ownership of dangerous dog
Section 4:61	Unlawful ownership of a vicious dog
Section 4:62	Seizure and destruction or disposition of dangerous or vicious dogs
Section 4:63	Registration of dangerous dogs; fees
Section 4:64	Seizure and disposition of dogs which cause death or inflict bodily injury
Section 4:65	Dangerous or vicious dogs running at large
Section 4:66	Penalty
Sub-Chapter D	Pigs
Section 4:100	Keeping of pigs, hogs in town prohibited
Section 4:101	Seizure of pigs and hogs in town; impoundment
Section 4:102	Penalty

Sub-Chapter A In General

Section 4:1 Livestock and fowl running at large, prohibited (Source: R.S. 3:2431)

It shall be unlawful for any person owning or controlling any horse, mule, cow, cattle, goat, sheep, pigeon, chicken, poultry, ducks, geese, guineas, or other animals (dogs and cats excepted) or fowl to allow same to run or be at large in the town. Each person owning or controlling such animals or fowl shall keep such animals and fowl in a substantial pen, coop or enclosure at all times. (Former Section 1:4)

Section 4:2 Keeping or animals near dwellings, prohibited

A. It shall be unlawful for any person, whether as owner or agent, to keep or cause to be kept within the town, any horse, mule, cow, cattle, goat, sheep, pigeon, chicken, poultry, ducks, geese, guineas, or other animals (dogs and cats excepted) or fowl in any pen, coop, stable, barn, or enclosure within one hundred (100') feet of any inhabited dwelling other than the dwelling of the owner thereof or the person keeping the same.

B. For the purpose of this Section, the measurement of the one hundred (100') feet in Subsection A above shall begin from any portion of the building situated on any adjacent lot which is used as a place of residence. (Former Section 4:2)

Section 4:3 Housing of animals and fowl in town, fly breeding places as nuisances

Any stable or premises which may be maintained in the town for the housing and keeping of any horse, mule, cow, cattle, goat, sheep, pigeon, poultry, or other animal or fowl and in which flies are likely to breed, is hereby declared to be a nuisance detrimental to the public health, and is therefore prohibited. The natural presence of fly larva in any deposit found upon such stable or premise shall be evidence that flies are breeding thereon. (Former Section 4:3)

Section 4:4 Odors from pens or coops declared sanitary nuisance

In areas where the keeping or maintaining of animals or fowl is permitted under this Code, it shall be unlawful to so maintain coops, pens, or enclosures where such animals or fowl are kept in an unsanitary manner or in such a condition that odors from such premises can be detected by persons inhabiting residences or living quarters; and such places so maintained are hereby declared to be sanitary nuisances. (Former Section 4:4)

Section 4:5 Cleaning of pens and coops

Whenever the keeping or maintenance of any animal or fowl is permitted upon any land in the town, the owner, agent, employee, servant, or other person having charge of the premises and such animal or fowl, shall clean the pen, coop, or other enclosure where such animal or fowl is kept at least each third (3rd) day, and shall spray and disinfect such area at least on each third (3rd) day, and shall remove and destroy all refuse, droppings, manure, feathers, or other matters cleaned from such pens or enclosures.

(Former Section 4:5)

Section 4:6 Disposal of manure and droppings

Animal manure and fowl droppings shall not be left above ground upon any premise in the town for longer than four (4) days, and it shall be the duty of any person occupying, owning, or having control of the premises where fowl are permitted to be kept, to collect and bury under six (6") inches of dirt or soil, or to remove any carry away all such manure and droppings each fourth (4th) day.

(Former Section 4:6)

Section 4.7 Riding or permitting horse or other animal upon sidewalk or street prohibited

A. It is unlawful for any person, other than a law enforcement officer, to ride or permit any horse, mule, or donkey under his custody and/or control upon any sidewalk or street within the town, unless otherwise having a special permit to do so.

B. Any person violating this Section shall, upon first conviction, be fined not more than seventy-five (\$75) dollars; upon second conviction, be fined not more than one hundred (\$100) dollars; and upon third or subsequent conviction, shall be fined not more than one hundred fifty (\$150) dollars.

Sections 4:8-24 Reserved

Sub-Chapter B Impoundment of Animals

Section 4:25 Impoundment of livestock found running at large

Any horse, mule, cow cattle, goat, sheep, pigeon, chicken, poultry, ducks, geese, guineas, or other animals (dogs and cats excepted) or fowl found running at large in the town shall be impounded.

(Former Section 4:25)

Sections 4:26-49 Reserved

Sub-Chapter C Dogs and Cats

Section 4:50. Registration and inoculation of dogs required (Source: R.S. 3:2771)

It shall be the duty of every person owning or having in his possession any dog or other animal of the canine species with the town over the age of two (2) months, to register said animal with the parish health officer of the St. Landry Parish Health Unit and it shall be the duty of said official to record in a book kept for that purpose, the name of the said animal and the registered number assigned to such animal; provided that no dog or other animal of the canine species shall be registered in the office of the parish health officer until said animal shall have been inoculated by a licensed veterinarian with an approved and recognized anti-rabies serum, as is hereinafter provided. (Former Section 4:50)

Section 4:51. Definitions

The following definitions shall apply in this Sub-Chapter:

(1) The term "dog" shall mean dogs of either sex unless otherwise specified.

(2) The term "inoculated" shall be understood to mean the administration of an anti-rabies vaccine (one which shall be approved by the Department of Health and Hospitals) by a licensed veterinarian.

(Former Section 4:51)

Section 4:52. Inoculation of dogs required before same can be registered

Before the parish health officer shall register any dog or other animal of the canine species, he shall be presented by the owner or other person having charge of possession of such animal, a certificate certifying to such inoculation, signed by a licensed veterinarian showing that said animal has been inoculated on some date previous thereto, which shall render said animal immune from rabies for the period of registration as hereinabove provided.

(Former Section 4:52)

Section 4:53. Metal tags to be issued to dogs registered

The parish health officer shall furnish such person owning or having charge or possession of such animal at the time of registration, with a metal tag for each animal, which shall be attached to said animal's collar, and which shall indicate the calendar year for which said license has been issued.

(Former Section 4:53)

Section 4:54. License and registration fees

The license and registration fee shall be as follows, to-wit: For each dog or other animal of canine species, one dollar and fifty cents (\$1.50) per year, for which sum a person shall be entitled to have his dog or other animal of the canine species inoculated by the St. Landry Parish Health Unit

without further expense, or at his own option, shall be entitled to receive a vaccine approved by the St. Landry Parish Health Unit, which he shall use in having said dog or other animal vaccinated by a licensed veterinarian of his own choice.
(Former Section 4:54)

Section 4:55 Date of registration

Each license issued by the parish health officer shall be issued from the date of registration to the thirty-first (31st) day of December next following.
(Former Section 4:55)

Section 4:56 Failure to have dogs inoculated and registered

It is hereby declared to be unlawful for any person whether as the owner of or in any other capacity, to harbor, keep, or have possession of, within the town, any dog or other animal of the canine species over the age of two (2) months, without having had said animal inoculated with an approved and recognized anti-rabies serum to be provided by the St. Landry Parish Health Unit, as hereinabove provided, so that said animal shall be immune from rabies at that time, and without keeping such metal tag on the collar of said animal where same is visible.
(Former Section 4:56)

Section 4:57 Cats or dogs running at large

A. No person shall suffer or permit any dog in his possession, or kept by him about his premises, to run at large on any unenclosed land, or trespass upon any enclosed or unenclosed lands of another.

B. For each cat, dog, or other animal of the canine species, found running at large within the town, the owner of such cat, dog, or other animal of the canine species, shall be fined up to one hundred (\$100) dollars per head for such cat, dog, or other animal of the canine species so found to be running at large for a first violation. For subsequent violations, the owner shall be fined up to two hundred (\$200) dollars.

C. "Run at large" or "running at large" is the going upon public or private property by a cat, dog, or other animal of the canine species without the owner or person in charge thereof having direct physical control over such animal.
(Former Section 4:57; Ordinance adopted November 10, 1992; Ordinance adopted March 15, 2005)

Section 4:57.1 Cat and dogs in public places

A. No cats or dogs, whether licensed or unlicensed, shall be allowed in public places such as bus stations, hotels, theaters, or other similar places unless on a suitable and dependable leash or chain. Cats or dogs so found shall be impounded.

B. No cats or dogs, whether licensed or unlicensed, shall be allowed in restaurants, grocery stores, or other establishments selling groceries or staple goods. Cats or dogs so found shall be impounded.

(Ordinance adopted November 10, 1992)

Section 4:58 Impoundment of cats or dogs running at large; duration; redemption; fee

Any cat, dog, or other animal of the canine species found running at large within the town shall be impounded for a period of five (5) days. Bonafide owners may redeem their cat or dog within the first five (5) days upon the payment of the sum of fifty (\$50) dollars. Any interested party may redeem the cat or dog after five (5) days upon payment of fifty (\$50) dollars. After five (5) days from the cat's or dog's impoundment, it will be disposed of according to a licensed veterinarian's discretion.

(Former Section 4:58; Ordinance adopted November 10, 1992; Ordinance adopted March 15, 2005)

Section 4:59 Impoundment of dogs that have bitten someone or are suspected of having rabies

It shall be the duty of the parish health officer or such officer or person as may be appointed by him to impound or cause to be impounded any dog or other animal of the canine species that has bitten a human being within the town, or has been bitten by any other animal suspected of having rabies or other infection associated therewith, for a period of ten (10) days for observation, and if said animal so impounded shows indication of rabies, it shall be the duty of the parish health officer or such person as may be designated by him to kill such and dispose of same as provided by law for disposition of other dead animals.

(Former Section 4:59)

Sub-Chapter D
Pigs

Section 4:100 Keeping of pigs, hogs in town prohibited

No person shall suffer or permit any hog or hogs, pig or pigs within the town.
(Former Section 4:100)

Section 4:101 Seizure of pigs and hogs in town; impoundment

The chief of police or his deputy is hereby authorized and empowered to seize any hog or hogs, pig or pigs, found within the town, and the officer so seizing and impounding such animal or animals shall immediately thereafter by written notice notify the owner that such animal has been seized and impounded by him, and unless the owner shall, within seven (7) days from the receipt of the notice, claim the animal and pay the officer a fee of one (\$1) dollar a day for seizing, and a fee of twenty-five (\$0.25) cents for each day it is impounded, it shall be disposed of in a humane manner.

(Former Section 4:101)

Section 4:102 Penalty

Any person who intentionally violates the provisions of this Sub-Chapter may be fined the sum of up to five hundred (\$500) dollars and imprisoned for a period of up to sixty (60)days, or both.
(Former Section 4:102)

CHAPTER 5

BUILDING AND CONSTRUCTION REGULATIONS

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Sub-Chapter A Building Regulations

Section 5:1 Uniform construction code adopted

Pursuant to La. R.S. 40:1730.21 et seq., the following construction codes (hereinafter sometimes referred to as "code") are hereby adopted as the regulations governing construction of buildings and other structures in the municipality. Unless specified, all standards contained in a referenced code are adopted and included for purposes of this Article. Unless referenced by name or letter designation, no appendix or appendices to the codes specified herein are adopted:

(1)(a) International Building Code(IBC), 2009 Edition, including Chapter 1, Administration, but not including Chapter 11, Accessibility, Chapter 27, Electrical and Chapter 29, Plumbing Systems. The applicable standards referenced in that code are included for regulation of construction within this municipality. Furthermore, IBC shall be amended as follows and shall only apply to the International Building Code:

- (i) Delete Chapter 4, Section 403.5.5: Luminous Egress Path Markings.
- (ii) Substitute Chapter 5, Table 503 Allowable Building Height Modifications of the 2006 IBC, in lieu of Table 503 of the 2009 IBC.
- (iii) Amend Chapter 10, Section 1018.5 Air Movement in corridors. Corridors that require protection under Table 1018.1—Corridor Fire-Resistance Rating, shall not serve as supply, return, exhaust, relief or ventilation air ducts.

(iv) Amend Chapter 23, Section 2308.2, Exceptions 4. Wind speeds shall not exceed 110 miles per hour (mph) (48.4m/s) (3-second gust) for buildings in Exposure Category B.

(2) International Existing Building Code(IEBC), 2009 Edition, not including Chapter 1, Administration, and the standards referenced in that code for regulation of construction within this municipality.

(3)(a) International Residential Code, 2009 Edition, including Part I-Administrative, but not including Parts V-Mechanical, VII-Plumbing and VIII-Electrical. The applicable standards referenced in that code are included for regulation of construction within this municipality. The enforcement of such standards shall be mandatory only with respect to new construction, reconstruction, additions to homes previously built to the International Residential Code, and extensive alterations. Appendix J, Existing Buildings and Structures, is be adopted and enforced.

(b) Part IV-Energy Conservation of the latest edition of the International Residential Code is hereby amended to require that supply and return ducts be insulated to a minimum of R-6. Section R301.2.1.1 of the 2003 edition of the International Residential Code is hereby specifically adopted in lieu of the 2009 edition. Furthermore, IRC R301.2.1.1 (Design Criteria) shall be amended as follows and shall only apply to the International Residential Code:

(i) item 5, Concrete construction shall be designed in accordance with the provisions of the 2009 IRC.

(ii) item 6, the American Concrete Institute, Guide to Concrete Masonry Residential Construction in High Winds Areas, shall be added;

(iii) item 7, Institute for Business and Home Safety*Optional Code-plus Fortified for Safer Living*, shall be added;

(iv) item 8, Federal Alliance for Safe Homes*Optional Code-plus Blueprint for Safety*, shall be added.

(v) item 9, International Code Council ICC Standards for Residential Construction in High Wind Regions, (ICC-600), shall be added.

(vi) item 10, Structural Insulated Panel (SIP) wall shall be designed in accordance with the provisions of the 2009 IRC.

(c) Additionally, Section 302, R302.1 Exterior Walls shall be amended to add the exception that on lots that are fifty feet or less in width and that contain a one or two family dwelling or townhouse that was in existence prior to October 1, 2005, the following are permitted for rebuilding:

(i) A projection two feet from the property line with a one hour minimum fire-resistance rating on the underside.

(ii) A wall three feet or more from the property with a zero hour minimum fire-resistance rating.

(d) Additionally, IRC shall be amended as follows:

(i) Substitute Chapter 3, Section R317 Dwelling Unit Separation of the 2006 IRC, in lieu of the Section 313 Automatic Fire Sprinkler Systems of the 2009 IRC.

(ii) Chapter 3, Section R302.2, Townhouses, of the 2009 IRC is amended as follows: Exception: a common two-hour fire-resistance-rated wall is permitted for townhouses if such walls do not contain plumbing or mechanical equipment, ducts, or vents in the cavity of the common wall. Electrical installation shall be installed in accordance with Chapters 34 through 43. Penetrations of electrical outlet boxes shall be in accordance with Section R302.4; Chapter 3, Section R302.4, Structural independence, of the 2009 IRC, is amended as follows: Exceptions: Number 5 Townhouses separated by a common two-hour fire-resistance rated wall as provided in Section 302.2.

(iii) Amend Chapter 3, Section R315.2 Where Required in Existing Dwellings: When Alterations, repairs or additions occur or where one or more sleeping rooms are added or created in existing dwelling that have garages or in existing dwellings within which fuel fired appliances exist, carbon monoxide alarms shall be provided in accordance with Section R315.1.

(iv) Substitute Chapter 11, Energy Efficiency of the 2006 IRC, in lieu of Chapter 11 Energy Efficiency of the 2009 IRC.

(4) International Mechanical Code (IMC), 2009 Edition, and the standards referenced in that code for regulation of construction within this municipality. Also included for regulation, the Louisiana One- and Two- Family Supplement to the 2006 International Mechanical Code. Furthermore, the International Mechanical Code, 2006 Edition, Chapter 1, Section 101.2 Scope is amended as follows: Exception: Detached one- and two- family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the Louisiana One- and Two- Family Supplement to the 2006 International Mechanical Code. Furthermore, IMC shall be amended to:

(a) Amend Chapter 6, Section 606.4.1 Supervision. The duct smoke detectors shall be connected to a fire alarm system where a fire alarm system is required by Section 907.2 of the International Fire Code or locally adopted fire code. The actuation of a duct smoke detector shall activate a visible and audible supervisory signal at a constantly attended location.

(5) The Louisiana State Plumbing Code [Part XIV (Plumbing) of the State Sanitary Code] as amended by the state health officer acting through the Office of Public Health of the Department of Health and Hospitals. Nothing in this Part shall be construed so as to prevent the state health officer from enforcing Part XIV (Plumbing) of the State Sanitary Code, the enforcement of which is his statutory and regulatory responsibility.

(6) International Fuel Gas Code (IFCG), 2009 Edition, and the standards referenced in that code for regulation of construction within this municipality.

(7) National Electric Code (NEC), 2008 Edition.
(Former Section 12:1; Ordinance 02-06, adopted January 16, 2007)

Section 5:2 Definitions

"Town building official" means, pursuant to local services agreement, that employee or individual appointed by the St. Landry Parish government to serve as the building official for town and to serve as building codes enforcement officer for the town.

Section 5:3 Building code; savings clause

Nothing in this Sub-Chapter or in the code herein adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired, or liability incurred, nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by the adoption of this Sub-Chapter.

Section 5:4 Permit required; affidavit; exemption

A. All persons building or locating a residence, commercial building, movable dwelling or structure of any kind upon a lot in the town shall apply at the parish police jury office for a permit before beginning any construction or location activity whatsoever. Upon receipt of initial application for a permit, applicant, spouse or person with power of attorney for applicant will appear in person at parish health unit to complete application forms. Upon approval of the parish health unit of the sewerage and sanitation facilities proposed, and upon approval by the permit officer for the parish of the proposed construction, a temporary permit shall be issued for construction purposes only.

B. No utility company shall provide service until a tag issued by the parish health unit or police jury permit officer is placed on the electrical box attesting to the fact that permits or affidavits have been acquired and are in order. An orange tag signifies temporary service for construction purposes, a green tag signifies completion of final permit and acceptance of sewer facilities, and a yellow tag signifies an affidavit.

C. Upon issuance of the temporary permit and an orange tag for the electrical box, utility companies may provide temporary utility service for construction purposes only to the proposed building site.

D. The following permit fee will apply to all permits issued by the St. Landry Parish Police Jury Permit Office:

(1) Residential structures:

Value of Structure	Fees
\$0.00 to \$ 2,000.00	\$ 20.00
\$2,001.00 to \$ 75,000.00	\$100.00
\$75,001.00 to \$100,000.00	\$150.00
\$100,001.00 to \$150,000.00	\$200.00
\$151,001.00 to \$250,000.00	\$250.00
\$250,001.00 and above	\$300.00

(2) Commercial structures: Two dollars and fifty cents (\$2.50) per one thousand dollars (\$1,000.00) of project cost with a fifty thousand dollar (\$50,000.00) minimum.

E. The final permit will be issued upon receipt of approved permits from the parish health unit, stating that the applicant has complied with all regulations and rules of the parish health unit, state health codes, and all applicable ordinances with regard to sewerage, water and sanitation systems. On the completion of the final permit a green tag for the electrical box will be issued.

F. Whenever a permit is not required the applicant will complete an affidavit attesting to the reasons an electrical connection is needed and further granting permission to the utility company to disconnect utilities immediately if the affidavit is violated or falsified. Charge for an affidavit will be ten dollars (\$10.00) and is nonrefundable. The parish health unit will place a yellow tag on the electrical box if the affidavit is approved. Violations of affidavits will result in immediate disconnection of utilities and loss of the ten dollar (\$10.00) fee. Affidavits are issued for buildings existing prior to May, 1980, which have not been remodeled, altered or relocated; buildings lost by natural disaster as defined in paragraph (i); welding machines; security lights; water well; billboards, etc.

G. Whoever undertakes construction of a building or moving of a building onto a site in the town without first obtaining the permit provided for above shall be guilty of a misdemeanor and upon conviction shall be fined not less than five hundred dollars (\$500.00) or imprisoned not less than thirty (30) days or both, at the discretion of the appropriate court.

H. Any person inhabiting or operating a building or structure in violation of this Section shall be subject to an injunction prohibiting further operation or habitation of a building erected or moved onto a site until a final permit complying with all regulations and rules of the parish health unit, state health code, and/or applicable ordinances in regard to sewerage, water and sanitation systems has been obtained.

I. Occupants of residences and/or buildings destroyed by natural disaster (tornado, fire, windstorm, flood, etc.) shall be granted a one-time exemption from having to install a new sewer system if the occupant applies for a permit to replace an existing residence or building within one (1) year from the date of the loss, provided date of loss is verified and approved by the town, and further that the occupant applying for a waiver is the same occupant that suffered the loss.

J. A temporary permit will be valid for a six-month period. The applicant will have six (6) months from the date the temporary permit is completed to have the final permit completed by the parish health unit and permit officer. Failure to complete the final permit in the time allocated will result in cancellation of the temporary permit, loss of permit fee, and loss of utilities.

K. That anyone applying for electrical service for a structure to be used for the sale of fireworks must provide with their initial application a copy of their current state fireworks license and a copy of their current parish occupational license.

L. Louisiana law (R.S. 37:2150-2173) requires that all residential contractors constructing residences in excess of fifty thousand dollars (\$50,000.00) must possess a valid State of Louisiana Contractor's License. The contractor's name and valid state contractor's license number must be included on initial application for construction of all residential structures in excess of fifty thousand dollars (\$50,000.00). In the event that an applicant elects to self-contract construction of his residence, it will be noted on the application that he assumes the responsibility for complying with all state and/or local laws and ordinances.

Section 5:5 Permits

It shall be unlawful to construct, enlarge, alter, repair, move, demolish, or change the occupancy of any building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by the technical codes adopted in this Sub-Chapter, or to cause any such work to be done, without obtaining a properly issued permit for that work.

Section 5:6 Application for permit

The permit mandated under Section 5:5 only be issued after the owner or his designee has submitted an application for a construction permit to the town building official and that official has approved the application for permit. The application shall, at a minimum, include all of the following information:

- (1) Name, address and daytime telephone number of owner.
- (2) Name, address and daytime telephone number of any and all contractors.
- (3) Location of the construction.
- (4) Description of the construction, including but not limited to square footage, type of construction, intended occupancy, and whether any work will involve any of the following types:
 - (a) Electrical.
 - (b) Concrete or masonry.
 - (c) Plumbing.
 - (d) Structural.
 - (e) Natural gas, liquefied gas, or other gas fuel.
- (5) Anticipated completion of construction.
- (6) Certification, under penalty of perjury, that the construction will be done in compliance with the applicable codes and standards.

Section 5:7 Certification of compliance

It shall be unlawful for any structure or other construction which is required to be permitted under Section 5:5 to be occupied, used or otherwise put in service before the owner or his designee has filed a certificate of completion and compliance on the form provided by the town building official. The certificate of completion and compliance shall include all of the following information:

- (1) Name, address, and daytime telephone number of owner.
- (2) Name, address, and daytime telephone number of any and all contractors.
- (3) Location of the construction.
- (4) Description of the construction, including but not limited to square footage, type of construction, and intended occupancy.
- (5) Date of construction.

(6) Certification, under penalty of perjury, that the construction was done in compliance with the applicable codes and standards.

Section 5:8 Enforcement of construction code.

The town building official may, through the parish or town attorney, seek to enjoin further construction or work which is required to be permitted under this Section and which construction or work does not have a validly issued permit. Further, the building official may seek to enjoin the occupancy or use of any building or structure which has, without compliance with this section, been, in whole or in part, constructed, enlarged, altered, repaired, moved, demolished, or the occupancy changed or for which the electrical, gas, mechanical or plumbing system has been erected, installed, enlarged, altered, repaired, removed, converted or replaced in any fashion.

Section 5:9 Building official

Pursuant to local services agreement, there shall be a town building official who shall be the parish building code enforcement officer responsible for the administration and enforcement of the Louisiana State Uniform Construction Code in the town.

Section 5:10 Penalty

Any person, partnership, or corporation who violates any of the provisions of this Section or aids or abets in the violation of any of the provisions of this Section shall be guilty of a misdemeanor and shall be punishable by a fine of not exceeding five hundred dollars (\$500.00), nor less than one hundred dollars (\$100.00) for each offense.

Sections 5:11-99 Reserved

Sub-Chapter B Electrical Regulations

Sections 5:100-199 Reserved

Sub-Chapter C Gas Piping Regulations

Section 5:200-5:299 Reserved

Sub-Chapter D Plumbers

Sections 5:300-5:499 Reserved

Sub-Chapter E
Flood Damage Prevention

ARTICLE 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

Section 5:511 Statutory authorization

The Legislature of the State of Louisiana has in RS 38:84 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the governing body of the Town of Arnaudville, Louisiana, does ordain this Sub-Chapter (Ordinance adopted December 6, 1977; Ordinance adopted February 3, 1987; Ordinance adopted January 11, 1994; Ordinance adopted July 20, 2010)

Section 5:512 Findings of fact

A. The flood hazard areas of The Town of Arnaudville are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

B. These fold losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable of floods and hazardous to other lands because they are inadequately elevated, flood proofed or other wise protected from flood damage.
(Ordinance adopted December 6, 1977; Ordinance adopted February 3, 1987; Ordinance adopted January 11, 1994; Ordinance adopted July 20, 2010)

Section 5:513 Statement of purpose

It is the purpose of this Sub-Chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health.
- (2) Minimize expenditure of public money for costly flood control projects.
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

(4) Minimize prolonged business interruptions.

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains.

(6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas.

(7) Insure that potential buyers are notified that property is in a flood area.
(Ordinance adopted December 6, 1977; Ordinance adopted February 3, 1987; Ordinance adopted January 11, 1994; Ordinance adopted July 20, 2010)

Section 5:514 Methods of reducing flood losses

In order to accomplish its purposes, this Sub-Chapter uses the following methods:

(1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities.

(2) Require that uses vulnerable to floods, including facilities, which serve such uses, be protected against flood damage at the time of initial construction.

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters.

(4) Control filling, grading, dredging and other development, which may increase flood damage.

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwater or which may increase flood hazards to other lands.
(Ordinance adopted December 6, 1977; Ordinance adopted February 3, 1987; Ordinance adopted January 11, 1994; Ordinance adopted July 20, 2010)

ARTICLE 2. DEFINITIONS

Section 5:516 Definitions

Unless specifically defined below, words or phrases used in this Sub-Chapter shall be interpreted to give them the meaning they have in common usage and to give this Sub-Chapter its most reasonable application:

(1) **ALLUVIAL FAN FLOODING**-means flooding occurring on the surface of an alluvial fan or similar landform, which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

(2) **APEX**- means a point on an alluvial fan or similar landform below which the flow path of the maj or stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

(3) **APPURTENANT STRUCTURE**- means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

(4) **AREA OF FUTURE CONDITIONS FLOOD HAZARD**-means the land area that would be inundated by the one (1%) percent annual chance (100 year) flood based on future conditions hydrology.

(5) **AREA OF SHALLOW FLOODING**-means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map FIRM with a 1 percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(6) **AREA OF SPECIAL FLOOD HAZARD**-is the land in the floodplain within a community subject to a one (1%) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, ARIA130, ARIAE, ARIAO, ARIAH, ARIA, VO, V1-30, VE or V.

(7) **BASE FLOOD-ELEVATION**- The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one (1%) percent chance of equaling or exceeding that level in any given year-also called the Base Flood.

(8) **BASEMENT**-means any area of the building having its floor sub grade (below ground level) on all sides.

(9) **BREDAWAY WALL**- means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

(10) **CRITICAL FEATURE**-means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

(11) **DEVELOPMENT**-means any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(12) **ELEVATED BUILDING**- means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

(13) **EXISTING CONSTRUCTION**- means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMS effective before that date. "Existing construction" may also be referred to as "existing structures."

(14) **EXISTING MANUFACTURED HOME PARK OR SUBDIVISION**- means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

(15) **EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION**- means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

(16) **FLOOD OR FLOODING**- means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters.

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

(17) **FLOOD ELEVATION STUDY**- means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mud slide (i.e., mudflow) and/or flood-related erosion hazards.

(18) **FLOOD HAZARD BOUNDARY MAP (FHBM)**- means an official map of a community, issued by the Administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

(19) **FLOOD INSURANCE RATE MAP (FIRM)**- means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

(20) **FLOOD INSURANCE STUDY (FIS)**- see Flood Elevation Study.

(21) **FLOODPLAIN OR FLOOD-PRONE AREA**-means any land area susceptible to being inundated by water from any source (see definition of flooding).

(22) **FLOODPLAIN MANAGEMENT**- means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and flood plain management regulations.

(23) **FLOODPLAIN MANAGEMENT REGULATIONS**- means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

(24) **FLOOD PROTECTION SYSTEM**- means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

(25) **FLOOD PROOFING**-means any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(26) **FLOODWAY**- see Regulatory Floodway

(27) **FUNCTIONALLY DEPENDENT USE**- means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

(28) **HIGHEST ADJACENT GRADE**- means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(29) **HISTORIC STRUCTURE**-means any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district.

(c) Individually listed on a state inventory of historic places either:

(i) By an approved state program as determined by the Secretary of the Interior.

(ii) Directly by the Secretary of the Interior in states without approved programs.

(30) **LEVEE**- means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

(31) **LEVEE SYSTEM**- means a flood protection system, which consists of a levee, or levees, and associated structures, such as closure, and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(32) **LOWEST FLOOR**- means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance program regulations.

(33) **MANUFACTURED HOME**- means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

(34) **MANUFACTURED HOME PARK OR SUBDIVISION**- means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots or rent or sale.

(35) **MEAN SEA LEVEL**- means, for purposes of the National Flood Insurance Program, the North of American Vertical Datum (NA VD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

(36) **NEW CONSTRUCTION**- means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial

FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

(37) **NEW MANUFACTURED HOME PARK OR SUBDIVISION**- means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and wither final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

(38) **RECREATIONAL VEHICLE**- means a vehicle which is (i) built on a single chassis; (ii) four hundred (400) square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(39) **RIVERINE**-means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc. **SPECIAL FLOOD HAZARD AREA**-see Area of Special Flood Hazard.

(40) **START OF CONSTRUCTION**- (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction pf columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

(41) **STRUCTURE**- means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

(42) **SUBSTANTIAL DAMAGE**-means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market

value of the structure before "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

(43) VARIANCE- means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

(44) VIOLATION- means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3 (b)(5), (c)(4), (c)(IO), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

(45) WATER SURFACE ELEVATION- means the height, in relation to the North American Vertical Datum (NA VD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
(Ordinance adopted December 6, 1977; Ordinance adopted February 3, 1987; Ordinance adopted January 11, 1994; Ordinance adopted July 20, 2010)

ARTICLE 3. GENERAL PURPOSE

Section 5:521 Lands to which this Sub-Chapter applies

The Sub-Chapter shall apply to all areas of special flood hazard with the jurisdiction of the Town of Arnaudville.

(Ordinance adopted December 6, 1977; Ordinance adopted February 3, 1987; Ordinance adopted January 11, 1994; Ordinance adopted July 20, 2010)

Section 5:522 Basis for establishing the areas of special flood hazard

A. The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for St. Landry Parish dated August 5, 2010 with accompanying Flood Insurance Rate Maps (FIRM) dated August 5, 2010 and any revisions thereto are hereby adopted by reference and declared to be part of this Sub-Chapter for land within the town's corporate limits located in St. Landry Parish.

B. "The Flood Insurance Study (FIS) for St. Martin Parish dated November 4, 2010 with accompanying Flood Insurance Rate Maps (FIRM) dated November 4, 2010 and any revisions thereto

are hereby adopted by the reference and declared to be a part of this Sub-Chapter for land within the town's corporate limits located in St. Martin Parish.
(Ordinance adopted December 6, 1977; Ordinance adopted February 3, 1987; Ordinance adopted January 11, 1994; Ordinance adopted July 20, 2010)

Section 5:523 Establishment of Development Permit

A Floodplain Development Permit shall be required to ensure conformance with the provisions of this Sub-Chapter.

(Ordinance adopted December 6, 1977; Ordinance adopted February 3, 1987; Ordinance adopted January 11, 1994; Ordinance adopted July 20, 2010)

Section 5:524 Compliance

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this Sub-Chapter and other applicable regulations.

(Ordinance adopted December 6, 1977; Ordinance adopted February 3, 1987; Ordinance adopted January 11, 1994; Ordinance adopted July 20, 2010)

Section 5:525 Abrogation and greater restrictions

This Sub-Chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Sub-Chapter and another ordinance, easement, covenant, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ordinance adopted December 6, 1977; Ordinance adopted February 3, 1987; Ordinance adopted January 11, 1994; Ordinance adopted July 20, 2010)

Section 5:526 Interpretation

In the interpretation and application of this Sub-Chapter, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body; and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

(Ordinance adopted December 6, 1977; Ordinance adopted February 3, 1987; Ordinance adopted January 11, 1994; Ordinance adopted July 20, 2010)

Section 5:527 Warning and disclaimer of liability

The degree of flood protection required by this Sub-Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Sub-Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Sub-Chapter shall not

create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this Sub-Chapter or any administrative decision lawfully made hereunder.

(Ordinance adopted December 6, 1977; Ordinance adopted February 3, 1987; Ordinance adopted January 11, 1994; Ordinance adopted July 20, 2010)

ARTICLE 4. ADMINISTRATION

Section 5:531 Designation of the floodplain administrator

Kathy M. Richard, Mayor appointed Floodplain Administrator-i.e. Code Enforcement Officer is hereby appointed to the Floodplain Administrator to administer and implement the provisions of this Sub-Chapter and other appropriate sections of 44 CFR (Emergency Management and Assistance-National Flood Insurance Program Regulations) pertaining to floodplain management. (Ordinance adopted December 6, 1977; Ordinance adopted February 3, 1987; Ordinance adopted January 11, 1994; Ordinance adopted July 20, 2010)

Section 5:532 Duties and responsibilities of the floodplain administrator

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this Sub-Chapter.

(2) Review permit application to determine whether to ensure that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of this Sub-Chapter.

(4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C.1334) from which prior approval is required.

(5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation.

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is the Department of Transportation and Development, prior to any alteration or relocation

of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

(8) When base flood elevation data has not been provided in accordance with Section 5.522, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Article 5.

(Ordinance adopted December 6, 1977; Ordinance adopted February 3, 1987; Ordinance adopted January 11, 1994; Ordinance adopted July 20, 2010)

Section 5:533 Permit procedures

A. Application for a Floodplain Development Permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

(1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures.

(2) Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed.

(3) A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria in Section 5.542(2).

(4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.

(5) Maintain a record of all such information in accordance with Section 5:532(1).

B. Approval or denial of a Floodplain Development Permit by the Floodplain Administrator shall be based on all of the provisions of this Sub-Chapter and the following relevant factors:

(1) The danger to life and property due to flooding or erosion damage.

(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

- (3) The danger that materials may be swept onto other lands to the injury of others.
 - (4) The compatibility of the proposed use with existing and anticipated development.
 - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems.
 - (7) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - (8) The necessity to the facility of a waterfront location, where applicable.
 - (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
- (Ordinance adopted December 6, 1977; Ordinance adopted February 3, 1987; Ordinance adopted January 11, 1994; Ordinance adopted July 20, 2010)

Section 5:534 Variance procedures

- A. The Appeal Board, as established by the community, shall hear and render judgement on requests for variances from the requirements of this Sub-Chapter.
- B. The Appeal Board shall hear and render judgment on an appeal only when it is alleged there is an error in a requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Sub-Chapter.
- C. Any person or persons aggrieved by the decision of the Appeal Board may appeal such decisions in the course of competent jurisdiction.
- D. The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Management Agency upon request.
- E. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Sub-Chapter.
- F. Variances may be issued for new construction and substantial improvements to be erected on a lot one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 5:533(B) have been

fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.

G. Upon consideration of the factors noted above and the intent of this Sub-Chapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Sub-Chapter.

H. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

I. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

J. Prerequisites for granting variances:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Variances shall only be issued upon: (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinance.

(3) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

K. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in (A) through (I) of this Section are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

(Ordinance adopted December 6, 1977; Ordinance adopted February 3, 1987; Ordinance adopted January 11, 1994; Ordinance adopted July 20, 2010)

ARTICLE 5. PROVISIONS FOR FLOOD HAZARD REDUCTION

Section 5:541 General standards

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.

(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage.

(4) All new construction or substantial improvements shall be constructed with electrical, heating ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

(6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters.

(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination for them during flooding.

(Ordinance adopted December 6, 1977; Ordinance adopted February 3, 1987; Ordinance adopted January 11, 1994; Ordinance adopted July 20, 2010)

Section 5:542 Specific standards

In all areas of special flood hazards where base flood elevation data has been provided as set forth in (i) Section 5:522, (ii) Section 5:532 (8), or (iii) Section 5:543(C), the following provisions are required:

(1) Residential Construction-new construction and substantial improvements of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Section 5:533 (A)(1), is satisfied.

(2) Non residential Construction-new construction and substantial improvements of any commercial, industrial or other non residential structure shall either have the lowest floor (including

basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effect of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Flood Plain Administrator.

(3) ENCLOSURES-new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

(a) A minimum of two openings on separate walls having a total net area of not less than 1 inch for every square foot of enclosed area subject to flooding shall be provided.

(b) The bottom of all openings shall be no higher than 1 foot above grade.

(c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured Homes-

(a) Require that all manufactured homes to be placed within Zone A on a community's FIRM shall be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces

(b) Require that manufactured homes that are placed or substantially improved within Zones AI-30, AH, and AE on the community's FIRM on sited (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation, such that the bottom of the longitudinal structural I beam of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of this paragraph be elevated so that either:

(i) The bottom of the longitudinal structural I beam of the manufactured home is at or above the base flood elevation.

(ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(Ordinance adopted December 6, 1977; Ordinance adopted February 3, 1987; Ordinance adopted January 11, 1994; Ordinance adopted July 20, 2010)

Section 5:543 Standards for subdivision proposals

A. All subdivision proposals including the placement or manufactured home parks and subdivisions shall be consistent with Sections 5:511, 5:512, and 5:513.

B. All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain Development Permit requirements of Sections 5:523 and 5:533 and the provisions of Article 5 of this Sub-Chapter.

C. Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to Section 5:522 or Section 5:532(8).

D. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

E. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ordinance adopted December 6, 1977; Ordinance adopted February 3, 1987; Ordinance adopted January 11, 1994; Ordinance adopted July 20, 2010)

Section 5:544 Penalties for non-compliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Sub-Chapter and other applicable regulations. Violation of the provisions of this Sub-Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall

constitute a misdemeanor. Any person who violates this Sub-Chapter or fails to comply any of its requirements shall upon conviction thereof be fined not more than five hundred (\$500) dollars or imprisoned for not more than thirty (30) days, or both, for each violation. Each day the violation continues shall be deemed a new violation. In addition, the violator shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Town of Arnaudville from taking such other lawful action as is necessary to prevent or remedy any violation.
(Ordinance adopted July 20, 2010)

CHAPTER 6
EMERGENCY PREPAREDNESS

Reserved

CHAPTER 7

LICENSING AND REGULATIONS OF TRADES AND PROFESSIONS

Sub-Chapter A	Occupational license, General
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Section 7:2	Adoption of state law
Section 7:3	Peddlers
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Section 7:5	Interest penalty; rate; collection
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Sub-Chapter B	Occupational License, Insurance Companies
Section 7:100	Levy of occupational license on insurance companies
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Sub-Chapter A Occupational license, General

Section 7:1 Levy of annual occupational license tax (Source: R.S. 47:341)

In addition to all other licenses and excise taxes imposed by other ordinances or parts of this Code, there is hereby levied an annual license tax upon each person, association of persons, firm, or corporation pursuing any trade, profession, calling, or business in the town subject to license under the constitution and state law.

(Former Section 14:1)

Section 7:2 Adoption of state law

A. The amount of license tax levied in each case is hereby collectable by the town in accordance with state law.

B. For the purpose of this Sub-Chapter, the tax levied in Section 7:1 shall be subject to the exemptions, limitations, definitions, classifications, and grades set forth in state law.

(Former Sections 14:2 and 14:3)

Section 7:3 Peddlers (Source: R.S. 47:359)

All peddlers, hawkers, itinerant vendors, and every person who displays samples, models, goods, wares, or merchandise on a temporary basis in any motel, store, storehouse, house, vehicle, or any other place, for the purpose of securing orders for the retail sale of such goods, wares, or the like kind or quality, either for immediate or future delivery shall obtain a license based on a fee of two hundred (\$200) dollars. However, an itinerant vendor of agricultural products purchased directly from farmers or an itinerant vendor of seafood products who has either harvested the seafood himself or has purchased the seafood directly from commercial fishermen or shrimpers shall obtain a license based on a fee of one hundred (\$100) dollars.

Section 7:4 Video poker (Source: R.S. 27:314)

A. There is hereby imposed and levied an annual license tax on every person engaged in the business of operating video draw poker devices or similar devices licensed and permitted pursuant to R.S. 27:301, et seq. of fifty (\$50) dollars for each such device.

B. All license taxes levied in this Section shall be collected in the same manner as occupational license tax levied pursuant to R.S. 47:359(D). The taxes shall be due and payable upon initial installation of each such device or on January 1st of each year and all unpaid license taxes shall become delinquent on March 1st. The collection of delinquent accounts shall be enforced in accordance with R.S. 47:1601 and 1602.

Section 7:5 Interest penalty; rate; collection

Upon failure to pay the license tax levied pursuant to this Sub-Chapter and commencing thirty (30) days after the date upon which the tax is due, there shall be assessed an interest penalty of one and one-quarter (1/4%) percent per month on the amount of the license tax which interest penalty shall be collected by the town together with an in the same manner as the license tax.
(Former Sections 14:4 and 14:5)

Section 7:6 Compliance; enforcement

A. No person shall engage in a business that is subject to an occupational license tax imposed by this Sub-Chapter pursuant to Chapter 3 of Subtitle 2 of Title 47 of the Louisiana Revised Statutes of 1950, as amended, unless the person is in compliance with this Chapter.

B. Any person who knowingly violates this Sub-Chapter, upon conviction, shall be subject to the penalties provided in Section 14:6.
(Former Section 14:14)

Section 7:7-99 Reserved

Sub-Chapter B
Occupational License, Insurance Companies

Section 7:100 Levy of occupational license on insurance companies (Source: R.S. 22:833)

A. There is hereby imposed and levied an annual license tax on any insurer engaged in the business of issuing any form of insurance policy or contract, which may now or hereafter be subject to the payment of any license tax for state purposes, all as authorized by R.S. 22:833 on risks located in this town as follows:

(1) On any insurer engaged in the business of issuing life or accident or health insurance policies, other than programs of benefits authorized or provided pursuant to Parts I and II of Chapter 12 of Title 42 of the Louisiana Revised Statutes of 1950, or other forms of contracts or obligations covering such risks, or issuing endowment or annuity policies, or contracts, or other similar forms of contract obligations in consideration of the payment of a premium or other consideration for the issuance of such policies, contracts, or obligations, whether such insurer is operating in this state through an agent or other representative or otherwise:

(a) Ten (\$10) dollars on gross annual premiums up to two thousand (\$2,000) dollars, and the additional license thereafter of seventy (\$70) dollars on each ten thousand (\$10,000) dollars, or fraction thereof, of gross annual premiums in excess of two thousand (\$2,000) dollars.

(b) The maximum license on such businesses, payable to the town by any one insurer, shall not exceed twenty-one thousand (\$21,000) dollars.

(2) On any insurer, engaged in the business of issuing policies, contracts, or other forms of obligations covering the risk of fire, marine, transportation, surety, fidelity, indemnity, guaranty, worker's compensation, employers' liability, property damage, live stock, vehicle, automatic sprinkler, burglary, or insurance business of any other kind whatsoever in this state, whether such insurer is operating in this state through agents or other representatives or otherwise, shall pay the following:

(a) 1st Class: When the gross receipts are not more than two thousand (\$2,000) dollars, the license shall be forty (\$40) dollars.

(b) 2nd Class: When the gross receipts are more than two thousand (\$2,000) dollars, and not more than four thousand (\$4,000) dollars, the license shall be sixty (\$60) dollars.

(c) 3rd Class: When the gross receipts are more than four thousand (\$4,000) dollars, and not more than six thousand (\$6,000) dollars, the license shall be eighty (\$80) dollars.

(d) 4th Class: When the gross receipts exceed six thousand (\$6,000) dollars, the additional license thereafter shall be seventy (\$70) dollars for each ten thousand (\$10,000) dollars, or fraction

thereof, in excess of six thousand (\$6,000) dollars.

(e) The maximum license tax on such businesses, payable to the town by any insurer, shall not exceed nine thousand (\$9,000) dollars. However, plate glass and steam boiler inspection insurers shall pay only one-third (1/3) of the rates provided in this Paragraph.

(3) The amount of license payable to the town as fixed in this Section, shall be one-third (1/3) of the amount so fixed if the payer shall file a sworn statement with the annual report required by Part I of Chapter 3 of Title 22 of the Louisiana Revised Statutes, showing that at least one-sixth (1/6) of the total admitted assets of the payer are invested and maintained in qualifying Louisiana investments as defined in R.S. 22:832(C).

(Former Sections 14:100, 14:105, and 14:106; Ordinance adopted June 22, 1987)

Section 7:101 Same; payment; collection; interest

A. The license fee provided in this Chapter shall be due and payable on January 1st of each year and all unpaid taxes shall become delinquent on June 1st. A penalty of five (5%) per cent per month shall be added to the amount of tax due and payable, along with the tax due. The amount of any monetary penalty assessed pursuant to this Section shall not be greater than twenty-five (25%) per cent of the total amount of the tax due.

B. The collection of delinquent accounts shall be enforced in accordance with R.S. 22:833 and R.S. 47:1601.

(Former Section 14:101; Ordinance adopted May 18, 2010)

Section 7:102 Penalty

Any person found guilty of violating any provision of this Sub-Chapter shall, upon conviction thereof, be subject to the penalties provided in Section 1:21.

(Former Section 14:109)

Sections 7:103-199 Reserved

Sub-Chapter C
Other Regulations

Section 7:200 Soliciting upon private residences, restricted

A. Unless it is apparent from the context that another meaning is intended, the following words, when used herein, shall have the meaning ascribed to them by this Section:

(1) "Person" means an individual, group, firm, partnership, corporation, company,

association, church, religious sect, religious denomination, society, organization, league, or other legal entity.

(2) "Private property" means a privately owned building, either a residence or commercial enterprise.

(3) "Solicit" or "solicitation" means to request, directly or indirectly, money, property, including discarded household furnishings, newspapers, magazines, castoff materials, or financial assistance of any kind, including donations or pledges of donations, or to sell, to offer for sale or to exhibit any thing or object whatever to raise money, including any article, tag, service, emblem, publication, ticket, advertisement or subscription; or to secure or attempt to secure money or donations or other property by promoting any bazaar, sale, dance, card party, supper or entertainment, whether any of such acts occur on the streets, in any office or public building, by house-to-house canvass or in any public or private place by personal solicitation.

B.(1) No person shall engage in solicitation activity upon any private property after having been asked to leave such property by the owner or occupant of the property.

(2)(a) Unless invited by the legal occupants or owners of the private property, it shall be unlawful for any such person to engage in solicitation upon the private premises or residence or business located thereon if such premises or residence is posted with notice prohibiting solicitation, prominently displayed upon which is printed:

"SOLICITING AT THIS LOCATION IS A VIOLATION OF LAW"

(b) For purposes of the preceding sentence, a private property, either residence or business, shall be deemed to be posted prohibiting solicitation if there is exhibited, on or near the main entrance to the property or on the main door to any structure located thereon, a sign conspicuously posted, which bears the above wording or similar wording restricting or prohibiting solicitation on the premises.

C.(1) No person who engages in solicitation shall use a plan, scheme or ruse or make any statement which indicates or implies that the purpose of the solicitation is other than to obtain orders or to make sales of goods or services.

(2) No person who engages in solicitation shall misrepresent the right of a buyer to rescind or cancel a sale under the provisions of applicable law.

(3) No person who engages in solicitation shall solicit by shouting or by using any sound device in connection with soliciting, including bells or amplifying system.

(4) No person who engages in solicitation shall step onto or over the threshold of a doorway of a residence unless invited to do so by the occupant or place hands, legs or any portion of the

solicitor's body in the doorway so that it reasonably appears that the door may not be closed, unless allowed to do so by the occupant.

(5) It shall be unlawful to make false statements or misrepresentations about the purpose of the solicitation.

D. No person shall engage in any form of door to door solicitation before 8 am or after 9 pm. Further, it shall be unlawful for any person to engage in solicitation at any time of day if such time of day is clearly posted on the "no soliciting" sign posted pursuant to this Section.

E. Notwithstanding any other provisions of this Section, it is unlawful for any person to solicit or sell or offer for sale, by taking orders, subscriptions, direct sales or any other method, any merchandise or printed matter within any building owned by the town. Nothing in this Section shall prohibit solicitation or direct sales by any person permitted to engage in such activities pursuant to a lease or rental agreement with the town.

F. Nothing in this Section shall be construed as to replace or eliminate any of the provisions or requirements of this Chapter requiring business licenses.

G. Any violation of this Section is hereby declared to be a nuisance.
(Former Sections 7:175 and 14:200)

CHAPTER 8

FIRE PREVENTION AND PROTECTION

Section 8:1	Adoption of Fire Prevention Code
Section 8:2	Reserved
Section 8:3	Enforcement of Fire Prevention Code
Section 8:4	Authority of fire chief to modify code
Section 8:5	Appeals from decision of fire chief
Section 8:6	Establishment of districts in which storage of flammable liquids in outside above ground tanks, bulk storage of liquefied petroleum gases, and storage of explosives and blasting agents are to be restricted
Section 8:7	Penalties

Section 8:1 Adoption of Fire Prevention Code

There is hereby adopted by the mayor and board of aldermen for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain code known as the Fire Prevention Code, Abbreviated Edition, recommended by the National Board of Fire Underwriters, being particularly the latest edition thereof, and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended, of which code not less than three (3) copies have been and now are filed in the office of the town clerk and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this Sub-Chapter shall take effect, the provisions thereof shall be controlling within the limits of the town. (Former Section 8.1)

Section 8:2 Reserved

Section 8:3 Enforcement of Fire Prevention Code

The code hereby adopted shall be enforced by the chief of the fire department. (Former Section 8:3)

Section 8:4 Authority of fire chief to modify code

The chief of the fire department shall have power to modify any provision of the code hereby adopted upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code; provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification, when granted or allowed and the decision of the chief of the fire department thereon, shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

(Former Section 8:4)

Section 8.5 Appeals from decision of fire chief

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the board of alderman within thirty (30) days from the date of the decision appealed.

(Former Section 8:5)

Section 8:6 Establishment of districts in which storage of flammable liquids in outside above ground tanks, bulk storage of liquefied petroleum gases, and storage of explosives and blasting agents are to be restricted

The limits referred to in Section 73 of the fire code hereby adopted in which storage of flammable liquids in outside above ground tanks is prohibited, the limits referred to in Section 103 of the code hereby adopted, in which bulk storage of liquefied petroleum gas is restricted, and the limits referred to in Section 53b of the code hereby adopted in which storage of explosives and blasting agents is prohibited, are hereby established to include the entire town.

(Former Section 8:6)

Section 8:7 Penalties

A. Any person who shall violate any provision of this Sub-Chapter, or the fire code adopted herein, or fails to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement or specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the board of aldermen or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively be guilty of a misdemeanor, punishable in accordance Section 1:21. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such person shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Former Section 8:7)

CHAPTER 9

FRANCHISES

Sub-Chapter A	Electricity
Section 9:1	Grant of franchise to Gulf States Utility Company
Sections 9:2-14	Reserved
Section 9:15	Grant of franchise to Southwest Louisiana Electric Membership Corporation (SLEMCO)
Sections 9:16-20	Reserved
Sub-Chapter B	Telephone
Section 9:21	Grant of franchise to Coastal Telephone and Electronics Corporation
Section 9:22-25	Reserved
Sub-Chapter C	Gas
	Reserved
Sub-Chapter D	Cable Television
Section 9:31	Grant of franchise to Allen'S TV Cable Service, Inc.
Section 9:32	Cable or video service franchise fee
Section 9:33	PEG access support
Sections 9:34-39	Reserved
Sub-Chapter E	Miscellaneous
Section 9:40	Permit required for use of town property

Sub-Chapter A Electricity

Section 9:1 Grant of franchise to Gulf States Utility Company

The ordinance adopted by the mayor and board of aldermen on October 3, 1972, which granted to Gulf States Utilities Company, its successors and assigns the right to erect, maintain, extend and operate a system of works, poles, wires, underground conduits, cables and all necessary apparatus and appurtenances on, below, and over all areas, ways, and servitudes of and within the limits of the town for the purpose of conducting an electric power business and the generation, transmission, and distribution of electricity to and through said town and to the public generally for a period of sixty (60) years from October 1, 1972, is continued and is hereby incorporated as though fully set forth herein.

(Former Sections 9:1 to 9:9)

Sections 9:2-14 Reserved

Section 9:15 Grant of franchise to Southwest Louisiana Electric Membership Corporation (SLEMCO)

The ordinance adopted by the mayor and board of aldermen on October 3, 1972, which granted to Southwest Louisiana Electric Membership Corporation, the right and privilege of constructing, erecting, maintaining and operating electric transmission and distribution lines and systems, including poles, lines, wire, insulators, transformers, services, arms, braces, guys, and all other necessary or usual attachments and appurtenances along, across, over, under, and on the streets, lanes, highways, public roads, and other public places in the town for the purpose of conducting an electric power business and the generation, transmission, and distribution of electricity to and through the town and to the public generally for a period of sixty (60) years from October 1, 1972, is continued and is hereby incorporated as though fully set forth herein.
(Former Sections 9:15 to 9:20)

Sections 9:16-20 Reserved

Sub-Chapter B
Telephone

Section 9:21 Grant of franchise to Coastal Telephone and Electronics Corporation

The ordinance adopted by the mayor and board of aldermen on March 6, 1990, which granted to Coastal Telephone and Electronics Corporation the right to use and occupy the public roads, highways, streets, alleys, sidewalks, and other public place in the town for a period of twenty-five (25) years, for the purpose of erecting, construction, maintaining and operating lines of telephone thereon and thereunder, is continued and is hereby incorporated as though fully set forth herein.
(Ordinance adopted March 6, 1990)

Section 9:22-25 Reserved

Sub-Chapter C
Gas

Reserved

Sub-Chapter D
Cable Television

Section 9:31 Grant of franchise to Allen'S TV Cable Service, Inc.

The ordinance adopted by the mayor and board of aldermen on January 11, 1999, which renewed a grant previously given to Allen's T.V. Cable Service, Inc. by ordinance adopted by the mayor and board of aldermen on October 2, 1979, for a period of fifteen (15) years, the right and privilege to construct, erect, operate, and maintain in, upon, along, across, above, over, or under the streets, alleys, public utility easements, public ways, and public places in the town, all poles, wires, cables, underground conduits, manholes, and other conductors and fixtures necessary for the maintenance and operation in the town of a cable television system for the transmission of television signals and all other signals permitted by the FCC, either separately or upon or in conjunction with any public utility maintaining the same in the town, with all of the necessary and desirable appliances and appurtenances pertaining thereto, without limiting the generality of the foregoing, including the right in, over, under, and upon the streets, sidewalks, alleys, public utility easements, and public grounds and places in the town to install, erect, operate, or in any way acquire the use of, all lines and equipment necessary to be a cable television system and the right to make connections to subscribers and the right to repair, replace, enlarge, and extend said lines, equipment and connections for an additional fifteen (15) years through October 31, 2014.

(Ordinance adopted October 2, 1979; Ordinance adopted January 11, 1999)

Section 9:32 Cable or video service franchise fee

A. All persons or entities providing cable or video services to the citizens of the town pursuant to a state-issued certificate of franchise authority as provided in R.S. 45:1361 et seq shall, pursuant to the provisions of R.S. 45:1366, pay the town a franchise fee equal to five (5%) percent of the cable or video service provider's gross revenues, as that term is defined by the "Consumer Choice for Television Act of 2008," derived from operations within the town limits.

B. All ordinances and resolutions in conflict herewith are hereby repealed, except those approving any cable or video franchise agreement in force and effect between the town and any cable or video service provider.

Section 9:33 PEG access support

A. Pursuant to the provisions of R.S.45:1361 et seq, providers of cable or video services holding a state-issued certificate of franchise authority as provided in R.S. 45:1361 et seq and operating within the town limits shall pay to the town an amount equal to one half (½%) percent of the gross revenues, as that term is defined by the "Consumer Choice for Television Act of 2008," derived from operations within the town limits.

B. All ordinances and resolutions in conflict herewith are hereby repealed, except those approving any cable or video franchise agreement in force and effect between the town and any cable or video service provider.

Sections 9:34-39 Reserved

Sub-Chapter E
Miscellaneous

Section 9:40 Permit required for use of town property

A. No person or entity may enter upon, traverse, either above ground or below, or otherwise utilize town property for the conduct of business operations without first being issued a permit to enter town property for business operations as more fully set forth hereafter.

(1) Location of any system for business operations within town property without a valid permit from the town pursuant to this Section presents a threat to the health, safety, and welfare of the town's citizens and their property and is expressly forbidden.

(2) The town recognizes and reserves any and all rights available to it to regulate use of any town property.

(3) The granting of any town license, permit, or other requirement for doing business within the town shall not be construed as authorizing any such person or entity the right to utilize town property for the conduct of business operations.

(4) Any applicant shall make a written request to the town for a permit, which shall include the following information:

(a) Name, address, telephone number, and contact person of the person or entity making the request.

(b) Necessary corporate information, if applicable.

(c) Name, address, email address, and home, office and cell telephone numbers of a person with authority to act on behalf of the applicant in case of emergency.

(d) Description of the proposed activity.

(e) Identification of the town property which applicant's system will occupy. Said identification shall include all of the following:

(i) Map drawn to scale of the location of all of applicant's system presently occupying town property.

(ii) Inventory of all equipment, structures, and facilities comprising applicant's system occupying town property.

(iii) Description of all anticipated construction, major maintenance, and major installation activities which shall include the specific locations and the beginning and ending dates of all projects to be commenced during the next calendar year; and the tentative locations and beginning and ending dates for all projects contemplated for the two year period following the next calendar year.

(f) Proof of comprehensive general liability insurance covering and affecting the applicant's business operations occupying town property. The applicant shall notify the town of cancellation of every such policy at least thirty (30) days in advance of such cancellation.

(g) Name of all contractors acting or working on behalf of applicant within town property along with the name and home, office, and cell telephone numbers of a person with authority to act on behalf of the contractor in case of emergency.

(5) Upon provision of all of the information required by Paragraph (4), the town shall issue a permit allowing the applicant/permittee to enter town property to conduct business operations in accordance with the specific information provided to the town by the applicant/permittee.

(6) Standard provisions of each permit granted pursuant to this Section shall include the following:

(a) Conditions of Occupancy. The system shall be located so as to cause minimum interference with the public uses use of town property and with the rights and reasonable convenience of property owners who own property that adjoins town property.

(b) Restoration of Public Ways. If, during the course of the permittee's construction, installation, or maintenance of the system, there occurs a disturbance of any town property by the permittee, the permittee shall replace and restore such town property to a condition reasonably comparable to the condition of the town property existing immediately prior to such disturbance.

(c) Relocation at Request of the Town. If the town shall lawfully elect to vacate, relocate, abandon, alter, reconstruct or change any town property, the permittee, upon thirty (30) days written notice by the town via certified mail to the permittee, shall remove, re-lay and relocate its structure, equipment, and facilities at its own expense. Should the permittee refuse or fail to remove system within thirty (30) days after written notification, the town shall have the right to remove the component parts of the system and charge the permittee for the costs of removal.

(d) Relocation at Request of Third Party. The permittee shall, on the request of any person holding a lawful building moving permit, protect, support, raise, lower, temporarily disconnect, relocate in or remove from any town property, as necessary, any property of the permittee provided: (i) the expense of such is paid by said person benefitting from the relocation, including, if required by the permittee, making such payment in advance; and (ii) the permittee is given reasonable advance written notice to prepare for such changes. For purposes of this Subparagraph, "reasonable advance written notice" shall be no less than thirty (30) days in the event of a temporary relocation,

and no less than one hundred twenty (120) days for a permanent relocation.

(e) Interference with Use of Right-of-Way. When working within town property, permittee shall not unreasonably interfere with public uses of said town property and the safety, health, and convenience of the public in the public's use thereof for ordinary travel.

(7) No less than three (3) business days prior to commencement of construction, installation or maintenance activities within town property, the permittee shall notify the town of the specific locations and beginning and ending dates of said construction, installation, or maintenance project and shall provide current, accurate contact information for both the permittee and the contractor as outlined in Paragraph (4). Upon receipt of this notification, the town shall determine whether the proposed construction, installation, or maintenance activities shall pose an unreasonable inference with public uses. If the town determines the proposed activity presents no such unreasonable interference, it shall issue the permittee a notice to proceed. If the permittee receives no written notification from the town within twenty-four (24) hours of the proposed commencement of activities, the proposed activities may be deemed approved. This Paragraph shall not apply to emergency repair projects or utility service extension projects which the permittee could not have anticipated.

(8) The permittee shall keep all of the information required by Paragraph (4) current at all times by immediately providing the town written notice of changes.

(9) Any person or entity (a) whose system occupies town property for business operations without obtaining the permit required in this Section; (b) who fails to provide the seventy-two (72) hour notice prior to commencement of construction, installation, or maintenance activities as required in Paragraph (6); or (c) who fails to maintain current, accurate information required by Paragraph (4) concerning any system occupying town property may have any permit granted pursuant to this Section revoked and may be denied future authorization for construction, installation, or maintenance activities for a period of two (2) years.

(10) Any violation of this Section shall afford the town the full range of remedies available under any applicable law or regulation including the levying of fines. The election of one or more remedies shall not be construed as a waiver of any other legal and/or equitable remedy including, but not limited to the town's right to seek injunctive relief, damages, and attorney's fees as the law might allow.

(11) Business operations specifically authorized by a fully executed, valid franchise agreement or ordinance with the town shall not be subject to the provisions of this Section and the provisions of said franchise agreement or ordinance shall continue to govern.

B. As used in this Section:

(1) "Applicant" means any person or entity desiring to operate a system occupying town

property.

(2) "Business operations" includes, but is not limited, to the provision of telecommunication, internet, electrical, cable, water, gas or other services or products.

(3) "Town property" includes any property, servitude, or other property right, owned, leased, possessed, or controlled by the town.

(4) "Public uses" includes primary use for pedestrian and vehicular passage and the town's provision of essential public safety services, including police, fire, and emergency medical response services, and public health services, including sanitary sewer, water, and storm drainage services.

(5) "System" includes the location, construction, installation and maintenance of structures, facilities, and equipment occupying town property for business operations.

C. All ordinances and resolutions in conflict herewith are hereby repealed, except those approving any cable or video franchise agreement in force and effect between the town and any cable or video service provider.

CHAPTER 10

GARBAGE AND TRASH

Section 10:1	Definitions
Section 10:2	Disposal of garbage, receptacles, use of bags and other rules, etc.
Section 10:3	Trash and other waste material, receptacles
Section 10:4	Building or repair debris; industrial refuse
Section 10:5	Large limbs; dead animals
Section 10:6	Scattering
Section 10:7	Transportation requirements
Section 10:8	Cleanliness of premises, responsibility thereof

Section 10:1 Definitions

A. The term "garbage" as used in this Chapter shall be construed to mean and include household refuse matter, kitchen refuse (excluding liquids), tin cans, broken bottles, glassware, market refuse, waste from the handling, storage, and sale of produce, which is prepared for collection and disposal as provided in this Chapter.

B. The term "trash and other waste matter" as used in this Chapter shall mean and include any trash, waste paper, debris, rubbish, ordure, excrement, etc., not included under the definition of garbage and shall also include cut grass, leaves, weeds, vines, shrubbery, trimmings, and trees or limbs not over three (3") inches in diameter and cut in lengths not to exceed six (6') feet; provided larger trees and limbs, industrial waste, bundling debris from erecting or repairing of any building, dead fowl and animals, and scrap matter shall not be included.

(Former Section 10:1)

Section 10:2 Disposal of garbage, receptacles, use of bags and other rules, etc.

A. Each owner, occupant, tenant, or lessee, using or occupying any building, house, structure, or grounds within the town where garbage substances as defined in Section 10:1(A) accumulate, shall provide a can or container therefor of not less than ten (10) nor more than thirty (30) gallons capacity, constructed of some substantial metal or plastic material with a tight-fitting lid or cover which will exclude rain and flies, and with handles sufficiently strong for workmen to empty conveniently. No container, with contents, shall weigh more than seventy-five (75) pounds. The can or container shall be maintained in as sanitary a condition as possible, in view of the use to which same is put and shall be thoroughly cleansed as needed, by washing or otherwise.

B. The lids or covers of all cans or containers shall at all times be kept secure and fastened so that flies and other insects as well as dogs and scavengers may not have access to the contents thereof.

C. Containers or cans for the collection of garbage substances must be placed either in or on the neutral ground (being that area between the property line and the curb or ditch, as the case may be), or within the premises immediately adjacent to the street or sidewalk, and not less than five (5') feet from the traveled surface of the street if no curb or sidewalk is provided. No can or container shall be placed on the street or sidewalk or in any ditch along the street.

D. It shall be unlawful for any person to willfully damage or destroy any garbage container, as required in this Section, belonging to any other person.
(Former Section 10:2)

Section 10:3 Trash and other waste material, receptacles

Trash and other waste materials, as defined in Section 10:1(B), accumulated in business houses or residences, shall be placed in stout containers, boxes, or barrels, or tied in bundles of such size as can be conveniently handled by one man, and shall be placed in the same location as garbage containers; provided, however, in business areas, containers may be placed on the street edge of the sidewalk after business hours and for not more than a reasonable time prior to the scheduled hour of collection.
(Former Section 10:3)

Section 10:4 Building or repair debris; industrial refuse

The owner of a building being erected or repaired, or the job contractor, shall remove all building or repair debris or industrial refuse from the job and no such debris shall be placed on the neutral ground for collection by the town.
(Former Section 10:4)

Section 10:5 Large limbs; dead animals

Large trees or limbs, scrap metal, large lumber refuse, and dead animals shall not be placed on the neutral ground for collection by the town, but must be removed by the owner of the premises and at his expense.
(Former Section 10:5)

Section 10:6 Scattering

It shall be unlawful and constitute the creation of a nuisance, for any person to scatter, spill, throw, deposit, drop, or permit or allow to be scattered, spilled, thrown, deposited, or dropped, any garbage, leaves, trash, or other waste material, dead animal or fowl, industrial waste or refuse from erecting, repairing, or remodeling buildings, or any other substance which may be unsightly, offensive to smell, or injurious to health in any other person's private yard, lot, room, or building, or on any sidewalk, street, alley, wharf, levee, public parkway, public right-of-way or any other place, or in any gutter or drain within the town, except as may be provided in this Chapter.

(Former Section 10:8)

Section 10:7 Transportation requirements

It is the intention of Section 10:6 and this Section to prohibit and prevent the spilling of garbage, trash, and other waste, as set forth in Section 10:1, on the public streets of the town. To this end, any person transporting, hauling, or permitting to be transported or hauled any garbage, trash, or other debris as set forth above, to the place of dumping shall take reasonable precautions to prevent the scattering or spilling of the garbage, trash, or other debris from the conveyance, cause the load to be secured with a tarpaulin, canvas, or other covering. Any vehicle used for this purpose shall be equipped with tail gates to prevent spilling of debris during transit. This Section not apply to a truck properly loaded with heavy waste, or debris, too heavy to blow off.

(Former Section 10:9)

Section 10:8 Cleanliness of premises, responsibility thereof

A. All occupants of residences and business places shall be held responsible for the cleanliness of their premises and of sidewalks, alleys, and neutral grounds (being that area between the property line and the curb or ditch as the case may be) immediately adjacent to their premises, and all owners or managers of stores, restaurants, markets, or stands, shall be responsible for keeping sidewalks in front of the building occupied by them in a clean condition.

B. It is hereby declared unlawful to sweep paper, trash, litter, dirt, or other material into the streets, sidewalks, or other public way adjacent to such establishments above set forth.

(Former Section 10:10)

CHAPTER 11

HEALTH AND SANITATION

Sub-Chapter A	In General
Section 11:1	Adoption of state Sanitary Code provisions
Section 11:2	Violation of Sub-Chapter
Sections 11:3-74	Reserved
Sub-Chapter B	Reserved
Sections 11:75-99	Reserved
Sub-Chapter C	Weeds
Section 11:100	Duty of property owners or occupants to maintain property
Section 11:101	Weeds and other noxious accumulations, prohibited conditions, nuisance
Section 11:102	Mayor to notify owner or possessor to destroy and/or remove noxious growths or accumulations on property
Section 11:103	Failure to remove noxious growths or accumulations, mayor authorized to order work done
Section 11:104	Authority of mayor and board to order the immediate clearing of any property of overgrown weeds
Section 11:105	Cost charged to owner, lessee, or possessor
Section 11:106	Cost if not paid to constitute lien on property; procedure
Section 11:107	Waiver of notice
Section 11:108	Penalty
Sections 11:109-119	Reserved
Sub-Chapter D	Junk
Section 11:120	Definitions
Section 11:121	Storing of junked or wrecked motor vehicles and other junk prohibited
Section 11:122	Mayor to notify owner or possessor to remove accumulations of junk on property
Section 11:123	Judicial review
Section 11:124	Failure to remove junk, mayor authorized to order work done
Section 11:125	Failure to remove
Section 11:126	Authority of mayor and board to order the immediate clearing of any property of accumulations of junk
Section 11:127	Cost charged to owner, lessee, or possessor
Section 11:128	Cost if not paid to constitute lien on property; procedure
Section 11:129	Penalty

Sub-Chapter E	Litter
Section 11:130	Definitions
Section 11:131	Intentional littering prohibited
Section 11:132	Gross littering prohibited
Section 11:133	Community service litter abatement program

Sub-Chapter A In General

Section 11:1 Adoption of state Sanitary Code provisions

For the purpose of prescribing regulations governing conditions hazardous to the safety, health, and general welfare of the citizens of the town, Chapters 8, 10 and 10A of the Sanitary Code, State of Louisiana, as amended, which code is filed in the office of the town clerk, is hereby adopted and incorporated as if set out at length herein and the provisions thereof shall be controlling.
(Based on former Section 11:1)

Section 11:2 Violation of Sub-Chapter

A. Whoever shall violate or fail to comply with this Sub-Chapter, the code adopted hereby, or any order issued thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, or who fails to comply with such an order as affirmed or modified by the health officer, or by a court of competent jurisdiction, within the time fixed therein, shall severally have each and every such violation and noncompliance respectively, be punishable by a fine of not more than five hundred (\$500) dollars or by imprisonment not more than sixty (60) days, or both.

B. The imposition of the penalty shall not be an authorization or ratification of, nor excuse for, a violation to continue.

C. Each such person shall remedy or correct the violation or defect within a reasonable time, and when not otherwise specified, each ten (10) days that the prohibited condition is maintained, shall constitute a separate offense.

D. Nothing in this Sub-Chapter shall prohibit or prevent the enforced removal of a prohibited condition.

Sections 11:3-74 Reserved

Sub-Chapter B

Reserved

Sections 11:75-99 Reserved

Sub-Chapter C
Weeds

Section 11:100 Duty of property owners or occupants to maintain property

The owner of any premises and the occupant thereof, in case of premises occupied by other than the owner, shall cut, destroy, or remove noxious weeds, grass, vegetation, or any other deleterious, unhealthy, or noxious growths, and accumulations of trash or debris growing or remaining upon the premises or on any neutral ground (being that area between the property lines and the curb or ditch as the case may be) abutting the premises.

(Former Section 11:100)

Section 11:101 Weeds and other noxious accumulations, prohibited conditions, nuisance

A. No person owing or occupying any property within the town shall permit any grass or noxious weeds or any vegetation whatsoever not for human consumption or planted for agricultural use or ornamental purposes, or any other deleterious, unhealthy, or noxious growths and accumulations of trash or debris, to grow or remain upon the premises so as to exceed a height of twelve (12) inches or to throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen.

B. Any grass, weeds, other vegetation, or any other deleterious, unhealthy, or noxious growths and accumulations growing upon any premises in the town in violation of this Sub-Chapter is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the town.

(Former Section 11:101)

Section 11:102 Mayor to notify owner or possessor to destroy and/or remove noxious growths or accumulations on property

In the event that any owner or occupant of property situated within the town does not comply with this Sub-Chapter, the town shall provide notice to the owner of the property, as determined from the latest assessment rolls, requiring compliance with this Sub-Chapter within five (5) days after notification. The notice shall further state that if the owner does not comply with this Sub-Chapter and compliance requires work to be done on the owner's property, the town may cause the work to be done and pay therefor and charge the cost incurred in doing or having the work done to the owner of the property. The cost of the work shall include the expense of inspection, locating the owner, issuing or publishing notice, reinspection, ordering the work done, postage, and all necessary incidents to such work. The notice shall be given by personal service or by registered or certified

mail, return receipt requested. If the owner cannot be served or if notice by mail is returned as not deliverable, notice shall be published in the official journal of the town for two consecutive weeks. (Former Section 11:103)

Section 11:103 Failure to remove noxious growths or accumulations, mayor authorized to order work done

If the owner does not comply with this Sub-Chapter within five (5) days after receipt of notice or after the date of the second publication if notice is provided through the official journal, the mayor may cause the premises to be cleaned by cutting, destroying, or removing noxious weeds, grass, or other deleterious, unhealthy, or noxious growths or accumulations thereon and/or on the sidewalk or banquette abutting the same and assess the costs thereof against the owner. Thereafter, the town shall furnish the owner with a written statement, by certified mail, which contains a description of the property and the cost of the work performed, including postage and publication expenses.

(Former Section 11:104)

Section 11:104 Authority of mayor and board to order the immediate clearing of any property of overgrown weeds

A. In the event the mayor determines that a situation exists wherein for the preservation of the public health or safety, it is necessary to order the immediate clearing of a piece of real estate within the town from any unsanitary or unsafe accumulation of weeds or other deleterious, unhealthy, or noxious growths, he shall call the board of aldermen into session as provided by law and ordinance, and if the board concurs in the mayor's determination, it may authorize such work to be done immediately and without the necessity for notice as required above.

B. The costs for the expense of work performed pursuant to this Section shall be assessed the owner as provided in Section 11:104.

(Former Section 11:105)

Section 11:105 Cost charged to owner, lessee, or possessor

Whenever the mayor has ordered the cutting, destroying, or removal of such weeds, grass, noxious growth, lying or located in or upon any lot, place, or area abutting the same within the town, as set forth in this Sub-Chapter, the actual cost of such work which shall include the expense of inspection, locating the owner, issuing or publishing notice, reinspection, ordering the work done, postage, and all necessary incidents to such work, plus accrued interest at the rate of six (6%) per cent per annum from the date of completion of such work shall be charged to the owner, lessee, or possessor of such property, which charge shall be due and payable by the owner, lessee, or possessor on the date of completion of said work.

(Former Section 11:106)

Section 11:106 Cost if not paid to constitute lien on property: procedure

A. If the owner does not pay the charges within ten (10) days after being furnished the statement described above or within ten (10) days after the certified letter is returned as not deliverable, the mayor shall cause a certified copy of the statement to be filed and recorded in the mortgage records of the parish. When so filed and recorded, the statement shall constitute a lien upon the property from the date of recordation prior in rank to mortgages, vendor's privileges, and all other liens, except taxes.

B. Costs and expenses may be collected in the manner fixed for the collection of taxes and shall be subject to a delinquent penalty of ten (10%) per cent in the event such cost is not paid in full on or before thirty (30) days after the date of completion of such, and the owner shall be notified of the lien recorded against his property. The mayor may take the necessary steps in court incidental to the collection of the expense incurred as shown on the statement.

C. Sworn statements recorded in accordance with Subsection A shall be prima facie evidence that all legal formalities have been complied with and shall be full notice to every person concerned that the amount of the statement, plus penalties and interest, constitutes a charge against the property designated or described in the statement and the same is due and collectible as provided by law.

(Former Section 11:107)

Section 11:107 Waiver of notice

The town may undertake the cutting, destruction, or removal of noxious weeds or grass or other deleterious, unhealthful, or noxious growths on any property within the town on a monthly basis without the notice required in Section 11:104 if the property owner liable has been notified pursuant to that section at any time during the immediately preceding twelve (12) months and has failed to do the work himself after opportunity to do so. However, prior to undertaking such work, the town shall file and record an affidavit, signed by the mayor, at the town hall. The affidavit shall include the following:

- (1) A description of the property sufficient to reasonably identify it.
- (2) A photograph of the property sufficient to reasonably identify its unsafe or unsanitary condition and to justify the necessity for cutting, destroying, or removing weeds, grass, or other noxious growths.
- (3) A statement that the property owner liable has within the past twelve (12) months failed to do such work after notification and opportunity to do so pursuant to Section 11:104.

Section 11:108 Penalty

Any person who violates any provision of this Sub-Chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to such penalties as are provided in Section 1:21.
(Former Section 11:108)

Sections 11:109-119 Reserved

Sub-Chapter D
Junk

Section 11:120 Definitions

As used in this Sub-Chapter, the following terms shall have the respective meanings ascribed to them:

(1) "Junk" includes

(a) Any wrecked, dismantled, partially dismantled, inoperative, discarded or abandoned major appliances such as refrigerators, freezers, ranges, or machinery or other metal, tin, or other discarded items.

(b) "Junk, wrecked or used automobiles or motor vehicles" - Any motor vehicle which is totally inoperable, left unattended on any portion of any occupied lot, neutral ground, street, or sidewalk and is so damaged or dismantled as to be a total loss. The phrase shall include any motor vehicle which does not have lawfully affixed thereto both an unexpired license plate or plates and a valid motor vehicle safety inspection certificate, and is either wrecked, dismantled, partially dismantled, inoperative, abandoned, or discarded. However, the phrase shall not include any motor vehicle in operable condition specifically adapted or constructed for racing or operation on drag strips or raceways; any motor vehicle retained by the owner for antique collection purposes rather than for salvage or for transportation; or any motor vehicle stored as the property of a member of the armed forces of the United States who is on active duty assignment.

(2) "Total loss" - The cost to repair a damaged or dismantled motor vehicle exceeds the junk value of said vehicle, as determined by any recognized national appraisal book.
(Former Section 11:102)

Section 11:121 Storing of junked or wrecked motor vehicles and other junk prohibited

A. It shall be unlawful for any owner, lessee, or possessor of any lot, place or area, or any other person to store or abandon any junk, wrecked, or used automobile or motor vehicle on any part or parts thereof, or any other junk on any neutral ground, street, or sidewalk, or on any vacant lot or any unused portion of any occupied lot within the town.

B. Unless such is adequately screened from the public view by being surrounded or enclosed by a board fence or other suitable enclosure, the presence of such items is hereby declared to be a public nuisance.

(Former Section 11:102)

Section 11:122 Mayor to notify owner or possessor to remove accumulations of junk on property

In the event that any owner or occupant of property situated within the town does not comply with this Sub-Chapter, the town shall provide notice to the owner of the property, as determined from the latest assessment rolls, as follows:

(1) Junk, wrecked or used automobile or motor vehicle, if owner known. The notice shall require compliance with Section 11:121 within ten (10) days of notification. The notice shall further state that if the owner does not comply with this Sub-Chapter, the may remove and dispose of the automobile or motor vehicle and pay therefor and charge the cost incurred in doing or having the work done to the owner of the automobile or motor vehicle, not to exceed two hundred (\$200) dollars. The cost of the work shall include the expense of inspection, locating the owner, issuing or publishing notice, reinspection, ordering removal and disposal to be done, postage, and all necessary incidents to such work. The notice shall be given by personal service or by registered or certified mail, return receipt requested. If the owner cannot be served or if notice by mail is returned as not deliverable, notice shall be published once in the official journal of the town.

(2) Junk, wrecked or used automobile or motor vehicle, if owner is not known. The clerk shall have a dated, written notice placed on the vehicle itself requiring the owner to comply with the provisions of this Sub-Chapter within ten (10) days from the date of the notice. The notice shall further state that if the owner does not comply with this Sub-Chapter, the may remove and dispose of the automobile or motor vehicle and pay therefor and charge the cost incurred in doing or having the work done to the owner of the automobile or motor vehicle, not to exceed two hundred (\$200) dollars. The cost of the work shall include the expense of inspection, locating the owner, issuing or publishing notice, reinspection, ordering removal and disposal to be done, postage, and all necessary incidents to such work.

(3) Any other junk stored or abandoned on private property. The clerk shall provide notice to the owner of the property, as determined from the latest assessment rolls, requiring compliance with this Sub-Chapter within ten (10) days of notification. The notice shall further state that if the owner does not comply with this Sub-Chapter, the may cause the work to be done and pay therefor and charge the cost incurred in doing or having the work done to the owner of the property, not to exceed two hundred (\$200) dollars. The cost of the work shall include the expense of inspection, locating the owner, issuing or publishing notice, reinspection, ordering work to be done, postage, and all necessary incidents to such work. The notice shall be given by personal service or by registered or certified mail, return receipt requested. If the owner and/or other person cannot be served or if notice by mail is returned as not deliverable, notice shall be published once in the official journal of the town.

(Former Section 11:103)

Section 11:123 Judicial review

Any person receiving notice that he is in violation of this Sub-Chapter may, within ten (10) days after receipt of notice or within ten (10) days after the date of the publication if notice is provided through the official journal or within ten (10) days after the date of the notice if notice is provided in accordance with Section 11:122, request a hearing in mayor's court to determine whether he is in violation of this Sub-Chapter. The clerk shall notify the person seeking judicial review of the date, time, and place of the hearing.

Section 11:124 Failure to remove junk, mayor authorized to order work done

If the owner does not comply with this Sub-Chapter within ten (10) days after receipt of notice or after the date of the second publication if notice is provided through the official journal, the mayor may cause the premises to be cleaned by removing accumulations of junk thereon and/or on the sidewalk or banquette abutting the same and assess the costs thereof against the owner. Thereafter, the town shall furnish the owner with a written statement, by certified mail, which contains a description of the property and the cost of the work performed, including postage and publication expenses.

(Former Section 11:104)

Section 11:125 Failure to remove

A. If (i) the owner does not make timely request for judicial review as provided in Section 11:123 and does not comply with this Sub-Chapter within ten (10) days after receipt of notice or after the date of the publication if notice is provided through the official journal or within ten (10) days after the date of the notice if notice is provided in accordance with Section 11:122(2) or (ii) if the owner does not comply with this Sub-Chapter within ten (10) days after being found in violation of this Sub-Chapter by the mayor's court:

(1) The automobile or motor vehicle shall be considered public property and disposed of by the as the board of aldermen may designate and assess the cost thereof against the owner in an amount not to exceed two hundred (\$200) dollars.

(2) Other junk may be removed by the and the cost thereof shall be charged against the owner of the property in an amount not to exceed two hundred (\$200) dollars.

B. Thereafter, the town shall furnish the owner with a written statement, by certified or registered mail, return receipt requested, which contains a description of the property and the cost of the work performed.

(Former Section 11:104)

Section 11:126 Authority of mayor and board to order the immediate clearing of any property of accumulations of junk

A. In the event the mayor determines that a situation exists wherein for the preservation of the public health or safety, it is necessary to order the immediate clearing of a piece of real estate within the town from any unsanitary or unsafe accumulation of junk, he shall call the board of aldermen into session as provided by law and ordinance, and if the board concurs in the mayor's determination, it may authorize such work to be done immediately and without the necessity for notice as required above.

B. The costs for the expense of work performed pursuant to this Section shall be assessed the owner as provided in Section 11:127.
(Former Section 11:105)

Section 11:127 Cost charged to owner, lessee, or possessor

Whenever the mayor has ordered the removal of junk lying or located in or upon any lot, place, or area abutting the same within the town, as set forth in this Sub-Chapter, the actual cost of such work which shall include the expense of inspection, locating the owner, issuing or publishing notice, reinspection, ordering the work done, postage, and all necessary incidents to such work, plus accrued interest at the rate of six (6%) per cent per annum from the date of completion of such work shall be charged to the owner, lessee, or possessor of such property, which charge shall be due and payable by the owner, lessee, or possessor on the date of completion of said work.
(Former Section 11:106)

Section 11:128 Cost if not paid to constitute lien on property; procedure

A. If the owner does not pay the charges within ten (10) days after being furnished the statement described above or within ten (10) days after the certified letter is returned as not deliverable, the mayor shall cause a certified copy of the statement to be filed and recorded in the mortgage records of the parish. When so filed and recorded, the statement shall constitute a lien upon the property from the date of recordation prior in rank to mortgages, vendor's privileges, and all other liens, except taxes.

B. Costs and expenses may be collected in the manner fixed for the collection of taxes and shall be subject to a delinquent penalty of ten (10%) per cent in the event such cost is not paid in full on or before ten (10) days after the date of completion of such, and the owner shall be notified of the lien recorded against his property. The mayor may take the necessary steps in court incidental to the collection of the expense incurred as shown on the statement.

C. Sworn statements recorded in accordance with Subsection A shall be prima facie evidence that all legal formalities have been complied with and shall be full notice to every person concerned that the amount of the statement, plus penalties and interest, constitutes a charge against

the property designated or described in the statement and the same is due and collectible as provided by law.

(Former Section 11:107)

Section 11:129 Penalty

Any person (i) who fails to abate the nuisance within ten (10) days after receipt of notice or within ten (10) days after the date of the publication of notice, if notice is provided through the official journal, or within ten (10) days after the date of the notice if notice is provided in accordance with Section 11:122, and who has made no timely request for judicial review as provided in Section 11:123 or (ii) who is found to be in violation of this Sub-Chapter by the mayor's court pursuant to Section 11:123 and who fails to abate the nuisance within ten (10) days after such finding, shall be guilty of a misdemeanor and on conviction thereof shall be punished as provided in Section 1:21. (Former Section 11:108)

Sub-Chapter E Litter

Section 11:130 Definitions

As used in this Sub-Chapter, the following terms shall have the respective meanings ascribed to them:

(1) "Dispose" means to throw, discard, place, deposit, discharge, burn, dump, drop, eject, or allow the escape of a substance.

(2) "Litter" means all waste material, other than hazardous waste, including but not limited to disposable packages, containers, sand, gravel, rubbish, cans, bottles, refuse, garbage, trash, debris, dead animals, furniture or appliances, automotive parts including but not limited to tires and engines, trailers, boats and boating accessories, tools and equipment, and building materials, or other discarded materials of any kind and description. Litter shall not include agricultural products that are being transported from the harvest or collection site to a processing or market site if reasonable measures are taken to prevent the agricultural product from leaving the transporting vehicle. Litter shall also not include recyclable cardboard being transported in compressed bundles to processing facilities. "Agricultural product" as used in this definition means all crops, livestock, poultry, and forestry; and all aquacultural, floracultural, horticultural, silvicultural, and viticultural products.

(3) "Public place" means any street, sidewalk, alley, or other public way and any public park, square, space, grounds, or building.

Section 11:131 Intentional littering prohibited (Source R.S. 30:2531)

A. No person shall intentionally dispose or permit the disposal of litter upon any public place in the town, upon private property in the town not owned by him, or in or on the waters within the town, whether from a vehicle or otherwise, except when such property is designated by the state or by any of its agencies or political subdivisions or by the town for the disposal of such litter and such person is authorized to use such property for such purpose.

B.(1) If the litter is disposed from a motor vehicle, boat, or conveyance, except a bus or large passenger vehicle or a school bus, all as defined in state law, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be an inference that the possessor committed the act of disposing.

(2) When litter disposed in violation of this Section is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings which display the name of a person or in any other manner indicates that the article belongs or belonged to such person, there shall be an inference that such person has violated this Section.

C.(1) Whoever violates this Section shall, upon first conviction, be fined not less than fifty (\$50) dollars nor more than five hundred (\$500) dollars and sentenced to serve four (4) hours of community service in the town's litter abatement work program.

(2) Upon second conviction, an offender shall be fined not less than three hundred (\$300) dollars nor more than five hundred (\$500) dollars and sentenced to serve eight (8) hours of community service in the town's litter abatement work program.

(3) Upon third or subsequent conviction, an offender shall be fined five hundred (\$500) dollars, be imprisoned for not more than thirty (30) days, or sentenced to serve not less than twenty-four (24) and not more than seventy-five (75) hours of community service in the town's litter abatement work program, or all or any combination of the aforementioned penalties.

D. A person may be found guilty and fined under this Section although the commission of the offense did not occur in the presence of a law enforcement officer if the evidence presented to the court establishes that the defendant has committed the offense.

E. In addition to penalties otherwise provided, a person convicted under this Section shall:

(1) Repair or restore property damaged by or pay damages for any damage arising out of the violation of this Section.

(2) Pay all reasonable investigative expenses and costs to the investigative agency or agencies.

Section 11:132 Gross littering prohibited (Source R.S. 30:2531.1)

A. No person shall intentionally dispose or permit the disposal of any household or office furniture or appliances, automotive parts including but not limited to tires and engines, trailers, boats and boating accessories, tools and equipment, building materials, and bags or boxes of household or office garbage or refuse upon any public place in the town, upon private property in the town not owned by him, or in or on the waters in the town, whether from a vehicle or otherwise, except, when such property is designated by the state or by any of its agencies or political subdivisions or by the town for the disposal of such items and such person is authorized to use such property for such purpose.

B.(1) If the litter listed in Subsection A is disposed of from a motor vehicle, boat, or conveyance, except a bus or large passenger vehicle or a school bus, as defined by state law, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be an inference that the possessor committed the act of disposing.

(2) When litter disposed in violation of this Section is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings which display the name of a person or in any other manner indicates that the article belongs or belonged to such person, there shall be an inference that such person has violated this Section.

C.(1) Whoever violates the provisions of this Section shall, upon first conviction, be fined five hundred (\$500) dollars and sentenced to serve eight (8) hours of community service in the town's litter abatement work program.

(2) Upon second conviction, an offender shall be fined five hundred (\$500) dollars and sentenced to serve twenty-four (24) hours of community service in the town's litter abatement work program.

(3) Upon third or subsequent conviction, an offender shall be fined five hundred (\$500) dollars, be imprisoned for not more than thirty (30) days, or sentenced to serve not less than forty-eight (48) and not more than one hundred (100) hours in the town's litter abatement work program, or all or any combination of the aforementioned penalties.

D. A person may be found guilty and fined under this Section although the commission of the offense did not occur in the presence of a law enforcement officer if the evidence presented to the court establishes that the defendant has committed the offense.

E. In addition to penalties otherwise provided, a person convicted under this Section shall:

(1) Repair or restore property damaged by or pay damages for any damage arising out of the violation of this Section.

(2) Pay all reasonable investigative expenses and costs to the investigative agency or

agencies.

Section 11:133 Community service litter abatement program (Source: R.S. 30:2531.4)

A community service litter abatement program is hereby established. The chief of police shall be responsible for the management, supervision, and discipline of persons ordered to perform community service work in the program. The program shall provide for the collection and removal of litter from public places within the town.

CHAPTER 12

HOUSING AND HOUSING REGULATIONS

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Sub-Chapter A
General

CHAPTER 12

HOUSING AND HOUSING REGULATIONS

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Sub-Chapter A
General

Section 12.1 Minimum standards for mobile homes

A. Skirting shall surround one hundred (100%) percent of the bottom of a mobile home. The skirting may include plastic, vinyl, or factory painted metal which may be made of solid or lattice material. No V-crimped or corrugated tin shall be permitted. All solid material must be appropriately vented. The skirting shall cover the area from the bottom of the mobile home to the ground.

B. There shall be a minimum separation of thirty (30') feet between mobile homes and between a mobile home and any other permanent structure.

Section 12:2-49 Reserved

Sub-Chapter B Removal of Dangerous Structures

Section 12:50 Condemnation

The board, in accordance with R.S. 33:4761 et. seq., may condemn and cause to be demolished or removed any building or structure within the town when it is in a dilapidated and dangerous condition which endangers the public welfare.

(Former Section 12:50)

Section 12:51 Notice; hearing

A.(1) Before the town may condemn any building or structure, there shall be submitted to it a written report recommending the demolition or removal of the building signed by a town official or other person authorized to act in such matters for the town. The mayor shall thereupon serve notice on the owner of the building or structure requiring him to show cause at a meeting of the board, regular or special, why the building or structure should not be condemned. The date and hour of the meeting shall be stated in the notice which shall be served at least ten (10) days prior to the date of the hearing, except in case of grave public emergency as provided in Subsection C of this Section.

(2)(a) The notice may be served by mailing it via the United States Postal Service, by either registered or certified mail, return receipt requested, to the owner at the owner's last known address.

(b) Service by registered or certified mail shall be considered personal service if the certified return receipt or the return form is signed by the addressee. Service by registered or certified mail shall be considered domiciliary service if the certified return receipt or the return form is signed by anyone other than the addressee.

(c) If the registered or certified mail is returned for failure to obtain a signature on the return

receipt form or returned due to refusal of delivery, service may be accomplished by first class mail, with a certificate of mailing. Service by first class mail in accordance with this Subparagraph shall be considered personal service and is effective when mailed.

(3) The notice may also be served by the marshal of the municipality or by any sheriff or deputy sheriff or constable having jurisdiction and power to serve legal process where the owner of the building or structure is found in the state, and the officer shall make return of the service as in ordinary cases.

B. If the owner is absent from the state or unrepresented therein, then the notice shall be served upon the occupant of the condemned building or structure, if any, and also upon an attorney at law appointed by the parish president, police jury, mayor, or chief executive to represent the absentee. Domiciliary service may be made as in ordinary cases.

C. In case of grave public emergency where the condition of the building is such as to cause possible immediate loss or damage to person or property, the town may condemn the building after twenty-four (24) hours notice served upon the owner or his agent or the occupant and attorney at law appointed to represent the absentee owner. Any such notice may be attached to a door or entrance of the premises and shall have the same effect as delivery to or personal service on the owner, occupant, or attorney at law appointed to represent the absentee owner.

D.(1) Any notice served pursuant to this Section shall be filed by the town with the recorder of mortgages where the property is located. Once filed, said notice shall be deemed notice to all subsequent transferees. Any transferee of such property takes the property subject to all recorded liens, mortgages, and notices thereunto pertaining.

(2) For purposes of any type of funding assistance being sought by the building or structure owner, any notice served pursuant to this Section shall be de facto proof that the building or structure is more than fifty (50%) percent damaged.
(Former Section 12:51)

Section 12:52 Decision; order

A. After the hearing, if, in the opinion of the board the facts justify it, an order shall be entered condemning the building and ordering that it be demolished or removed within a certain delay. If repairs will correct the dilapidated, dangerous or unsafe condition, the board may grant the owner the option of making such repairs, but in such a case the general nature or extent of the repairs to be made, the time thereof, and the defects to be corrected, shall be specified in the decision of the board.

B. The decision and order of the board shall be in writing and shall be final unless appealed according to law.

(Former Section 12:52)

Section 12:53 Appeal

The owner, occupant, agent, or other representative of the owner may appeal from the decision of the board to the district court in accordance with law.

(Former Section 12:53)

Section 12:54 Compliance; demolition; notice

A. The owner or his designated agent may proceed to demolish and remove the building, or have it repaired, in accordance with the order of the board, provided the owner or his agent executes a contract in writing obligating himself to have the work done within the required time and files with the mayor a copy of the contract, together with a bond to guarantee performance.

B. In the event the owner or occupant of the building or structure fails or refuses to comply with the decision of the board and fails to appeal therefrom within the legal delays provided herein, then, in that event, the mayor may proceed with the demolition or removal of the condemned building, structure, or public nuisance, in which case neither the mayor nor the town shall be liable in damages.

C. Prior to the demolition or removal of the building or structure by the town, the mayor or some official designated by him shall serve notice on the owner, or his agent, and on the occupant of the building, if any there be, or upon the attorney at law appointed to represent the minor, interdict, or absentee owner, giving the time when work will begin upon the demolition or removal of the building, structure, or public nuisance.

(Former Section 12:54)

Section 12:55 Lien

A. In order to preserve the lien and privilege granted by law on the property and the improvements thereon, the mayor shall execute, and have filed and recorded in the mortgage office of parish where the building or structure is located, an affidavit which shall include a description of the property sufficient to reasonably identify the immovable and a statement of facts listing the approximate cost or costs incurred by the town in demolishing or removing the building or structure.

B.(1) After the town has incurred such costs as constitute the lien and privilege on the property, the mayor may send an attested bill of said costs and expenses which constitute the lien and privilege to the tax assessor of the parish in which the property is located to have the amount added to the next tax bill of the owner. The lien shall include not only the costs provided for in Subsection A of this Section but shall include all attorney fees and all costs of court incurred in the locating of the owner, the notification of the owner, and the enforcement and collection of the amount secured by the lien against the immovable and the improvements.

(2) The town may also recover interest on the amounts secured by the lien at the rate of legal interest provided in R.S. 9:3500 which interest shall be computed from the date of recordation of the lien until paid.

(Former Section 12:55)

Section 12:56 Attorney

In the event the building or structure is unoccupied and its owner is absent from the state and unrepresented therein, or in the event the building is owned by a minor who has no tutor or an interdict who has no curator, the mayor shall appoint an attorney at law to represent the absentee, minor, or interdict upon whom the notices and other proceedings provided in this Sub-Chapter may be served. The attorney shall be paid a reasonable fee to be taxed as cost.

(Former Section 12:56)

Sections 12:56-99 Reserved

Sub-Chapter C Low Rent Housing

Section 12:100 Membership in Housing Authority of South Landry

The town is a member of the Housing Authority of South Landry. The mayor is authorized, empowered, and directed to appoint one member as a commissioner of the housing authority.

(Former Sections 12:100 and 12:101)

Sections 12:101-119 Reserved

Sub-Chapter D Fair Housing

Section 12:120 Policy

It is the policy of the town to provide, within constitutional limitations, for fair housing throughout the town.

(Ordinance adopted July 8, 1997)

Section 12:121 Definitions

As used in this Sub-Chapter:

(1) "Discriminatory housing practice" means an act that is unlawful pursuant to Sections 12:123 through 12:125.

(2) "Dwelling" means any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereon at any such building, structure, or portion thereof.

(3) "Family" includes a single individual.

(4) "Person" includes one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

(5) "To rent" includes to lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises owned by the occupant.
(Ordinance adopted July 8, 1997)

Section 12:122 Unlawful practice

A. Subject to the provisions of Subsection B of this Section and Section 12:126, the prohibitions against discrimination in the sale or rental of housing set forth in Section 12:123 shall apply to all dwellings except as exempted by Subsection B of this Section.

B. Nothing in Section 12:123 shall apply to:

(1) Any single-family house sold or rented by an owner, provided that:

(a) Such private individual owner does not own more than three (3) such single-family houses at any one time.

(b) In the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this Paragraph shall apply only with respect to one such sale within any twenty-four (24) month period.

(c) Such bona fide private individual owner does not own any interest in, nor is there owned or reserved on his behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of, more than three (3) such single-family houses at any one time.

(d) The sale or rental of any such single-family house shall be excepted from the application of this Sub-Chapter only if such house is sold or rented without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesman, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesman, or person, but nothing in this Sub-Chapter

shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as is necessary to perfect or transfer the title.

(2) Rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one of such living quarters at his residence.

C. For the purposes of Subsection B of this Section, a person shall be deemed to be in the business of selling or renting dwellings if any of the following situations exist:

(1) He has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein.

(2) He has, within the preceding twelve (12) months, participated as agent, other than in the sale of his own personal residence, in providing sales or rental facilities or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein.

(3) He is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.

(Ordinance adopted July 8, 1997)

Section 12:123 Discrimination in the sale or rental of housing

A. As made applicable by Section 12:122, and except as exempted by Subsection B thereof and Section 12:126, it is unlawful:

(1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, national origin, a handicap, or because there are children in the family.

(2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, national origin, handicap, or familial status.

(Ordinance adopted July 8, 1997)

Section 12:124 Discrimination in the financing of housing

It is unlawful for an bank, building and loan association, insurance company or other corporation, association, firm, or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against him in the fixing of the amount, interest rate, duration, or other terms or conditions of such loans or other financial assistance, on the basis of the race, color, sex, religion,

national origin, handicap, or familial status, or of any person associated with him in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants of the dwelling or dwellings in relation to which such loan, or other financial assistance is to be made or given. However, nothing in this Section shall impair the scope or effectiveness of the exception contained in Section 11:122(B).

(Ordinance adopted July 8, 1997)

Section 12:125 Discrimination in the provision of brokerage services

It is unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate brokers' organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, gender, familial status, persons with disabilities, or national origin.

(Ordinance adopted July 8, 1997)

Section 12:126 Exemption

A. Nothing in this Sub-Chapter shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, on account of race, color, gender, persons with disabilities, or national origin.

B. Nothing in this Sub-Chapter shall prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(Ordinance adopted July 8, 1997)

Section 12:127 Administration

A. The authority and responsibility for administering this Sub-Chapter shall be in the mayor.

B. The mayor may delegate any of these functions, duties, and powers to town employees or boards of town employees, including the functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any work, business, or matter under this Sub-Chapter. The mayor shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers of the town, to boards of officers or to himself, as shall be appropriate and in accordance with law.

C. All town departments and agencies shall administer their programs and activities relating to housing and urban development in a manner to affirmatively further the purposes of this Sub-Chapter and shall cooperate with the mayor to further these purposes.
(Ordinance adopted July 8, 1997)

Section 12:128 Education and conciliation

Immediately after the enactment of this Sub-Chapter, the mayor shall commence such educational and conciliatory activities as will further the purposes of this Sub-Chapter. He may call conferences of persons in the housing industry and other interested parties to acquaint them with this Sub-Chapter and his suggested means of implementing it, and shall endeavor with their advise to work out programs of voluntary compliance and of enforcement.
(Ordinance adopted July 8, 1997)

Section 12:129 Enforcement

A. Any person who claims to have been injured by a discriminatory housing practice, or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur, (hereafter "person aggrieved") may file a complaint with the mayor. Complaints shall be in writing and shall contain such information and be in such form as the mayor requires. Upon receipt of the complaint, the mayor shall furnish a copy of the same to the person or persons who allegedly engaged in a discriminatory housing practice. Within thirty (30) days after receiving a complaint, or within thirty (30) days after the expiration of any period of reference under Subsection C of this Section, the mayor shall investigate the complaint and give notice in writing to the person aggrieved whether he intends to resolve it. If the mayor decides to resolve the complaint, he shall provide to try to eliminate or correct the alleged discriminatory housing practice by informal methods of conference, conciliation, and persuasion. Nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this Sub-Chapter without the written consent of the persons concerned. It shall be unlawful for any employee of the town to make public any information in violation of this Section.

B. A complaint pursuant to Subsection A of this Section shall be filed not later than one hundred eighty (180) days after the alleged discriminatory housing practice occurred. A complaint shall be in writing and shall state the facts on which the allegations of a discriminatory housing practice are based. The complaint may be reasonably and fairly amended at any time.

C. A respondent may file an answer to the complaint against him and with the leave of the mayor, which shall be granted if it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

D. If the mayor is unable to obtain voluntary compliance with this Sub-Chapter within thirty (30) days after a complaint is filed with him, the person aggrieved may, within thirty (30) days thereafter, file a complaint with the secretary of the United States Department of Housing and Urban

Development. The mayor shall assist in this filing.

E. If the mayor has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days thereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights related to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

E. In any proceeding brought pursuant to this Section, the burden of proof shall be on the complainant.

F. Whenever an action filed by an individual shall come to trial, the mayor shall immediately terminate all efforts to obtain voluntary compliance.

(Ordinance adopted July 8, 1997)

Section 12:130 Investigations; subpoena; giving of evidence

A. In conducting an investigation, the mayor shall have access at all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statement of such persons as are reasonably necessary for the furtherance of the investigation, provided that the mayor shall first comply with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The mayor may issue subpoenas to compel his access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The mayor may administer oaths.

B. Upon written application to the mayor, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the mayor to the same extent and subject to the same limitations as subpoenas issued by the mayor himself. Subpoenas issued at the request of a respondent shall show on their face the name and address of such respondent and shall state that they were issued at his request.

C. Witnesses summoned by subpoena of the mayor shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district court. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.

D. Within five (5) days after service of subpoena upon any person, such person may petition the mayor to revoke or modify the subpoena. The mayor shall grant the petition if he finds that the subpoena requires appearances or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not

describe with sufficient particularity the evidence to be produced, that compliance would be unduly erroneous, or for other good reason.

E. In case of contumacy or refusal to obey a subpoena, the mayor or other person whose request it was issued may petition for its enforcement in mayor's court or the state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

F. It shall be unlawful:

(1) For any person to willfully fail or neglect to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in his power to do so, in obedience to a subpoena or lawful order of the mayor.

(2) For any person, who, with intent thereby to mislead the mayor, to make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the mayor pursuant to his subpoena or other order, or to willfully neglect or fail to make or cause to be made full, true, and correct entries in such reports, accounts, records, or other documents, or to willfully mutilate, alter, or by any other means, falsify any documentary evidence.

G. The town attorney shall conduct all litigation in which the mayor participates as a party or as amicus pursuant to this Sub-Chapter.
(Ordinance adopted July 8, 1997)

Section 12:131 Enforcement by private persons

A. The rights granted by Sections 12:122, 12:122, 12:123, 12:124, and 12:125 may be enforced by civil actions in state or local courts of general jurisdiction. A civil action shall be commenced within one hundred eighty (180) days after the alleged discriminatory housing practice occurred, provided:

(1) The court shall continue such civil case brought pursuant to this Section or Section 12:129(D) from time to time before bringing it to trial if the court believes that the conciliation efforts of the mayor are likely to result in satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the mayor and which practice forms the basis for the action in court.

(2) Any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this Sub-Chapter, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under this Sub-Chapter shall not be affected.

B. The court may grant as relief, as it deems appropriate, any permanent or temporary

injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages, together with court costs and reasonable attorneys fees in the case of the prevailing plaintiff, provide that the plaintiff in the opinion of the court is not financially able to assume the attorneys fees.

(Ordinance adopted July 8, 1997)

Section 12:132 Interference, coercion, or intimidation

It is unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by Sections 12:122, 12:123, 12:124. or 12:125. This Section may be enforced by appropriate civil action.

(Ordinance adopted July 8, 1997)

Section 12:133 Prevention of intimidation in fair housing cases

It shall be unlawful for anyone, whether or not acting under the color of law, by force or threat of force, to willfully injure, intimidate, or interfere with, or attempt to injure, intimidate, or interfere with either:

(1) A person because his race, color, religion, gender, familial status, persons with disabilities, or national origin and because he is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing, or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings.

(b) A person because he is or has been, or in order to intimidate such person or any person or any class of persons from, either:

(i) Participating, without discrimination on account of race color, religion, gender, familial status, or national origin, in any activity, service, organization, or facility described in Section 12:133(A).

(ii) Affording another person or class of persons opportunity or protection so to participate.

(c) A citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, sex, religion, national origin, handicap, or familial status in any activity, service, organization, or facility described in Section 12:133(A), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate.

(Ordinance adopted July 8, 1997)

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PART I. GENERAL PROVISIONS

Section 14:1 Citation (Source: R.S. 14:1)

This Code may be cited as the Arnaudville Criminal Code.

Section 14:2 Definitions (Source: R.S. 14:2)

In this Code, the terms enumerated shall have the designated meanings:

(1) "Another" refers to any other person or legal entity, including the town or any subdivision thereof.

(2) "Anything of value" must be given the broadest possible construction, including any conceivable thing of the slightest value, movable or immovable, corporeal or incorporeal, public or private, and including transportation, telephone and telegraph services, or any other service available for hire. It must be construed in the broad popular sense of the phrase, not necessarily as synonymous with the traditional legal term "property." In all cases involving shoplifting the term "value" is the actual retail price of the property at the time of the offense.

(3) "Dangerous weapon" includes any gas, liquid, or other substance or instrumentality, which, in the manner used, is calculated or likely to produce death or great bodily harm.

(4) "Foreseeable" refers to that which ordinarily would be anticipated by a human being of average reasonable intelligence and perception.

(5) "Person" includes a human being from the moment of fertilization and implantation and also includes a body of persons, whether incorporated or not.

(6) "Property" refers to both public and private property, movable and immovable, and corporeal and incorporeal property.

(7) "Public officer," "public office," "public employee" or "position of public authority" means and applies to any executive, ministerial, administrative, judicial, or legislative officer, office, employee, or position of authority respectively, of the state or any parish, town, district, or other political subdivision thereof, or of any agency, board, commission, department or institution of said state, parish, town, district, or other political subdivision.

(8) "Town" means the town, or any agency, board, commission, department, or institution of the town.

(9) "Whoever" in a penalty clause refers only to natural persons insofar as death or imprisonment is provided, but insofar as a fine may be imposed "whoever" in a penalty clause refers to any person.

Section 14:3 Interpretation (Source: R.S. 14:3)

The sections of this Code cannot be extended by analogy so as to create offenses not provided for herein. However, in order to promote justice and to effect the objects of the law, all of its provisions shall be given a genuine construction, according to the fair import of their words, taken in their usual sense, in connection with the context, and with reference to the purpose of the provisions.

Section 14:4 Conduct prohibited under several sections; how prosecuted (Source: R.S. 14:4)

Prosecution may proceed under either provision, in the discretion of the prosecuting attorney, whenever an offender's conduct is:

- (1) Prohibited according to a general or special section of this Code; or
- (2) Prohibited according to a section of this Code and also according to some other ordinance.

Section 14:5 Lesser and included offenses (Source: R.S. 14:5)

An offender who commits an offense which includes all the elements of other lesser offenses, may be prosecuted for and convicted of either the greater offense or one of the lesser and included offenses. In such case, where the offender is prosecuted for the greater offense, he may be convicted of any one of the lesser and included offenses.

Section 14:6 General penalty

A. Whenever an act is prohibited or is made or declared to be unlawful or an offense, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where there is no specific penalty provided therefor, the violation shall be punished by a fine not exceeding five hundred (\$500) dollars, imprisonment for not more than sixty (\$60) days, or both.

B. Unless otherwise specifically provided in this Code, each day that any violation of this Code continues shall constitute a separate offense.

C. Any person who shall aid, abet, or assist in the violation of any provision of this Code shall be punished as provided in this Section.
(Former Section 7:1)

PART II. ELEMENTS OF OFFENSES

Section 14:7 Offense defined

An offense is that conduct which is defined as criminal in this Code.

Section 14:8 Criminal conduct (Source: R.S. 14:8)

Criminal conduct consists of:

- (1) An act or a failure to act that produces criminal consequences, and which is combined with criminal intent; or

(2) A mere act or failure to act that produces criminal consequences, where there is no requirement of criminal intent; or

(3) Criminal negligence that produces criminal consequences.

Section 14:9 Criminal consequences (Source: R.S. 14:9)

Criminal consequences are any set of consequences prescribed in the various sections of this Code or in other ordinances as necessary to constitute any of the various offenses defined therein.

Section 14:10 Criminal intent (Source: R.S. 14:10)

Criminal intent may be specific or general:

(1) Specific criminal intent is that state of mind which exists when the circumstances indicate that the offender actively desired the prescribed criminal consequences to follow his act or failure to act.

(2) General criminal intent is present whenever there is specific intent, and also when the circumstances indicate that the offender, in the ordinary course of human experience, must have adverted to the prescribed criminal consequences as reasonable certain to result from his act or failure to act.

Section 14:11 Criminal intent; how expressed (Source: R.S. 14:11)

The definitions of some offenses require a specific criminal intent, while in others no intent is required. Some offenses consist merely of criminal negligence that produces criminal consequences. However, in the absence of qualifying provisions, the terms "intent" and "intentional" have reference to "general criminal intent."

Section 14:12 Criminal negligence (Source: R.S. 14:12)

Criminal negligence exists when, although neither specific nor general criminal intent is present, there is such disregard of the interest of others that the offender's conduct amounts to a gross deviation below the standard of care expected to be maintained by a reasonably careful man under like circumstances.

Section 14:13 Reserved

PART III. CULPABILITY

Section 14:14 Insanity (Source: R.S. 14:14)

If the circumstances indicate that because of a mental disease or mental defect the offender was incapable of distinguishing between right and wrong with reference to the conduct in question, the offender shall be exempt from responsibility.

Section 14:15 Intoxication (Source: R.S. 14:15)

The fact of an intoxicated or drugged condition of the offender at the time of the commission of the offense is immaterial, except as follows:

(1) Where the production of the intoxicated or drugged condition has been involuntary, and the circumstances indicate this condition is the direct cause of the commission of the offense, the offender is exempt from responsibility.

(2) Where the circumstances indicate that an intoxicated or drugged condition has precluded the presence of a specific intent or of special knowledge required in a particular offense, this fact constitutes a defense to a prosecution for that offense.

Section 14:16 Mistake of fact (Source: R.S. 14:16)

Unless there is a provision to the contrary in the definition of an offense, reasonable ignorance of fact or mistake of fact which precludes the presence of any mental element required in that offense is a defense to any prosecution for that offense.

Section 14:17 Mistake of ordinance (Source: R.S. 14:17)

Ignorance of any provision of this Code or of any other ordinance is not a defense to any prosecution. However, mistake of ordinance which results in the lack of an intention is a defense to a prosecution under the following circumstances:

(1) Where the offender reasonably relied on ordinance in repealing an existing provision, or in otherwise purporting to make the offender's conduct lawful; or

(2) Where the offender reasonably relied on a final judgment of a competent court of last resort that a provision making the conduct in question criminal was unconstitutional.

Section 14:18 Justification; general provisions (Source: R.S. 14:18)

The fact that an offender's conduct is justifiable shall constitute a defense to prosecution for any offense based on that conduct. This defense of justification can be claimed under the following circumstances:

(1) When the offender's conduct is an apparently authorized and reasonable fulfillment of

any duties of public office; or

(2) When the offender's conduct is a reasonable accomplishment of an arrest which is lawful;
or

(3) When for any reason the offender's conduct is authorized by law or ordinance; or

(4) When the offender's conduct is reasonable discipline of minors by their parents, tutors,
or teachers; or

(5) When the offense consists of a failure to perform an affirmative duty and the failure to
perform is caused by physical impossibility; or

(6) When any offense is committed through the compulsion of threats by another of death
or great bodily harm, and the offender reasonably believes the person making the threats is present
and would immediately carry out the threats if the offense were not committed; or

(7) When the offender's conduct is in defense of persons or of property under any of the
circumstances described in Sections 14:19 through 14:22.

Section 14:19 Use of force or violence in defense (Source: R.S. 14:19)

A. The use of force or violence upon the person of another is justifiable, when committed
for the purpose of preventing a forcible offense against the person or a forcible offense or trespass
against property in a person's lawful possession; provided that the force or violence used must be
reasonable and apparently necessary to prevent such offense and that this Section shall not apply
where the force or violence results in a homicide.

B. For the purposes of this Section, there shall be a presumption that a person lawfully inside
a dwelling, place of business, or motor vehicle held a reasonable belief that the use of force or
violence was necessary to prevent unlawful entry thereto, or to compel an unlawful intruder to leave
the premises or motor vehicle, if both of the following occur:

(1) The person against whom the force or violence was used was in the process of unlawfully
and forcibly entering or had unlawfully and forcibly entered the dwelling, place of business, or motor
vehicle.

(2) The person who used force or violence knew or had reason to believe that an unlawful
and forcible entry was occurring or had occurred.

C. A person who is not engaged in unlawful activity and who is in a place where he or she
has a right to be shall have no duty to retreat before using force or violence as provided for in this
Section and may stand his or her ground and meet force with force.

D. No finder of fact shall be permitted to consider the possibility of retreat as a factor in determining whether or not the person who used force or violence in defense of his person or property had a reasonable belief that force or violence was reasonable and apparently necessary to prevent a forcible offense or to prevent the unlawful entry.

Section 14:20 (Blank)

Section 14:21 Aggressor cannot claim self-defense (Source: R.S. 14:21)

A person who is the aggressor or who brings on a difficulty cannot claim the right of self-defense unless he withdraws from the conflict in good faith and in such a manner that his adversary knows or should know that he desires to withdraw and discontinue the conflict.

Section 14:22 Defense of others (Source: R.S. 14:22)

It is justifiable to use force or violence or to kill in the defense of another person when it is reasonably apparent that the person attacked could have justifiably used such means himself, and when it is reasonably believed that such intervention is necessary to protect the other person.

Section 14:23 Reserved

PART IV. PARTIES

Section 14:24 Principals (Source: R.S. 14:24)

All persons concerned in the commission of an offense, whether present or absent, and whether they directly commit the act constituting the offense, aid and abet in its commission, or directly or indirectly counsel or procure another to commit the offense, are principals.

Section 14:25 Reserved

PART V. INCHOATE OFFENSES

Section 14:26 Conspiracy (Source: R.S. 14:26)

A. Conspiracy is the agreement or combination of two or more persons for the specific purpose of committing any offense; provided that an agreement or combination to commit an offense shall not amount to a conspiracy unless, in addition to such agreement or combination, one or more of such parties does an act in furtherance of the object of the agreement or combination.

If the intended basic offense has been consummated, the conspirators may be tried for either the conspiracy or the completed offense, and a conviction for one shall not bar prosecution for the other.

B. Whoever is a party to a conspiracy to commit any offense shall be fined or imprisoned, or both, in the same manner as for the offense contemplated by the conspirators but such fine or imprisonment shall not exceed one-half ($\frac{1}{2}$) of the largest fine, or one-half ($\frac{1}{2}$) the longest term of imprisonment prescribed for such offense, or both.

Section 14:27 Attempt (Source: R.S. 14:27)

A. Any person who, having a specific intent to commit an offense, does or omits an act for the purpose of and tending directly toward the accomplishing of his object is guilty of an attempt to commit the offense intended; and it shall be immaterial whether, under the circumstances, he would have actually accomplished his purpose.

B. Mere preparation to commit an offense shall not be sufficient to constitute an attempt; but lying in wait with a dangerous weapon with the intent to commit an offense, or searching for the intended victim with a dangerous weapon with the intent to commit an offense, shall be sufficient to constitute an attempt to commit the offense intended.

C. An attempt is a separate but lesser grade of the intended offense; and any person may be convicted of an attempt to commit an offense, although it appears on the trial that the offense intended or attempted was actually perpetrated by such person in pursuance of such attempt.

D. Whoever attempts to commit any offense shall be punished as follows:

(1) If the offense so attempted is theft or receiving stolen things, he shall be fined not more than two hundred (\$200) dollars, imprisoned for not more than sixty (60) days, or both.

(2) In all other cases he shall be fined or imprisoned or both, in the same manner as for the offense attempted; such fine or imprisonment shall not exceed one-half ($\frac{1}{2}$) of the largest fine, or one-half ($\frac{1}{2}$) of the longest term of imprisonment prescribed for the offense so attempted, or both.

Section 14:28-32 Reserved

PART VI. OFFENSES AGAINST THE PERSON

Section 14:33 Battery defined (Source: R.S. 14:33)

Battery is the intentional use of force or violence upon the person of another; or the intentional administration of a poison or other noxious liquid or substance to another.

Section 14:34 (Blank)

Section 14:34.4 Battery of a school or recreation athletic contest official (Source: R.S. 14:34.4)

A.(1) Battery of a school or recreation athletic contest official is a battery committed without the consent of the victim when the offender has reasonable grounds to believe the victim is a school athletic or recreation contest official.

(2) For purposes of this Section, "school athletic contest official" means any referee, umpire, coach, instructor, administrator, staff person, or school or school board employee of any public or private elementary and secondary school while actively engaged in the conducting, supervising, refereeing, or officiating of a school sanctioned interscholastic athletic contest.

(3) For purposes of this Section, "recreation athletic contest official" means any referee, umpire, coach, instructor, administrator, staff person, or recreation employee of any public or quasi public recreation program while actively engaged in the conducting, supervising, refereeing, or officiating of a sanctioned recreation athletic contest.

B.(1) Whoever violates this Section shall be fined not more than five hundred (\$500) dollars and imprisoned not less than forty-eight (48) hours nor more than sixty (60) days without benefit of suspension of sentence, except as provided in Paragraph (2).

(2) The court, in its discretion, may suspend the imposition of the sentence and place the offender on probation with the condition that he shall perform five (5) days of community service work. Failure to successfully complete the community service work, as determined by the supervisor of the program to which he is assigned, may result in revocation of probation.

Section 14:35 Simple battery (Source: R.S. 14:35)

It shall be unlawful for any person to commit simple battery. Simple battery is a battery committed without the consent of the victim.

(Former Section 7:11; Ordinance of October 1, 1974, Section 1)

Section 14:35.1 Blank

Section 14:35.2 Simple battery of the infirm (Source: R.S. 14:35.2)

A. Simple battery of the infirm is a battery committed against an infirm, disabled, or aged person who is incapable of consenting to the battery due to either of the following:

(1) Advanced age.

(2) Unsoundness of mind, stupor, abnormal condition of the mind, or other mental or developmental disability, regardless of the age of the victim.

B. For purposes of this Section, "infirm, disabled, or aged person" shall include but not be limited to any individual who is a resident of a nursing home, mental retardation facility, mental

health facility, hospital, or other residential facility, or any individual who is sixty (60) years of age or older. Lack of knowledge of the person's age shall not be a defense.

C. Whoever violates this Section shall be fined not more than five hundred (\$500) dollars and imprisoned not less than thirty (30) days nor more than sixty (60) days, or both.

Section 14:35.3 Domestic abuse battery (Source: 14:35.3)

A. Domestic abuse battery is the intentional use of force or violence committed by one household member upon the person of another household member.

B. For purposes of this Section:

(1) "Community service activities" as used in this Section may include duty in any morgue, coroner's office, or emergency treatment room of a state-operated hospital or other state-operated emergency treatment facility, with the consent of the administrator of the morgue, coroner's office, hospital, or facility.

(2) "Household member" means any person of the opposite sex presently living in the same residence or living in the same residence within five (5) years of the occurrence of the domestic abuse battery with the defendant as a spouse, whether married or not, or any minor child presently living in the same residence or living in the same residence within five (5) years immediately prior to the occurrence of domestic abuse battery, or any child of the offender regardless of where the child resides.

C. On a first conviction, the offender shall be fined not less than three hundred (\$300) dollars and shall be imprisoned for not less than thirty (30) days. At least forty-eight (48) hours of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence. Imposition or execution of the remainder of the sentence shall not be suspended unless either of the following occur:

(1) The offender is placed on probation with a minimum condition that he serve four days in jail and participate in a court-approved domestic abuse prevention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence.

(2) The offender is placed on probation with a minimum condition that he perform eight eight-hour days of court-approved community service activities and participate in a court-approved domestic abuse prevention program, and the offender shall not own or possess a firearm throughout the entirety of the sentence.

D. This Section shall not apply if the victim of domestic abuse battery is pregnant and the offender knows that the victim is pregnant at the time of the commission of the offense.

Section 14:36 Assault defined (Source: R.S. 14:36)

Assault is an attempt to commit a battery, or the intentional placing of another in reasonable apprehension of receiving a battery.

Section 14:37 Aggravated assault (Source: R.S. 14:37)

It shall be unlawful for any person to commit aggravated assault. Aggravated assault is an assault committed with a dangerous weapon.

Section 14:37.3 Unlawful use of a laser on a police officer (Source: R.S. 14:37.3)

A. Unlawful use of a laser on a police officer is the intentional projection of a laser on or at a police officer without consent of the officer when the offender has reasonable grounds to believe the officer is a police officer acting in the performance of his duty and that the officer will be injured, intimidated, or placed in fear of bodily harm.

B. For purposes of this Section the following terms have the following meanings:

(1) "Laser" means any device that projects a beam or point of light by means of light amplification by stimulated emission of radiation or any device that emits light which simulates the appearance of a laser.

(2) "Police officer" includes commissioned police officers, sheriffs, deputy sheriffs, marshals, deputy marshals, correctional officers, constables, wildlife enforcement agents, and probation and parole officers.

Section 14:38 Simple assault (Source: R.S. 14:38)

A. Simple assault is an assault committed without a dangerous weapon.

B. Whoever commits a simple assault shall be fined not more than two hundred (\$200) dollars, or imprisoned for not more than sixty (60) days, or both.
(Former Section 7:12)

Section 14:38.3 Assault on a child welfare worker (Source: R.S. 14:38.3)

A.(1) Assault on a child welfare worker is an assault committed when the offender has reasonable grounds to believe the victim is a child welfare worker working in the acting in the performance of his duties.

(2) For purposes of this Section, "child welfare worker" shall include any child protection investigator, family services worker, foster care worker, adoption worker, any supervisor of the

above, or any person authorized to transport clients for the agency, or court appointed special advocate (CASA) representative.

B. Whoever violates this Section shall be fined not more than five hundred (\$500) dollars or imprisoned not less than fifteen (15) days nor more than sixty (60) days, or both.

Section 14:39 Negligent injuring (Source: R.S. 14:39)

A. Negligent injuring is either of the following:

(1) The inflicting of any injury upon the person of another by criminal negligence.

(2) The inflicting of any injury upon the person of another by a dog or other animal when the owner of the dog or other animal is reckless and criminally negligent in confining or restraining the dog or other animal.

B. The violation of a statute or ordinance shall be considered only as presumptive evidence of such negligence.

C. Whoever commits the crime of negligent injuring shall be fined not more than five hundred (\$500) dollars, or imprisoned for not more than sixty (60) days, or both.

D. The provisions of this Section shall not apply to:

(1) Any dog which is owned, or the service of which is employed, by any state or local law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

(2) Any dog trained in accordance with the standards of a national or regional search and rescue association to respond to instructions from its handler in the search and rescue of lost or missing individuals and which dog, together with its handler, is prepared to render search and rescue services at the request of law enforcement.

(3) Any guide or service dog trained at a qualified dog guide or service school who is accompanying any blind person, visually handicapped person, deaf person, hearing impaired person, or otherwise physically disabled person who is using the dog as a guide or for service.

(4) Any attack made by a dog lawfully inside a dwelling, a place of business, or a motor vehicle, against a person who is attempting to make an unlawful entry into the dwelling, place of business, or motor vehicle, or who has made an unlawful entry into the dwelling, place of business, or motor vehicle and the dog is protecting that property.

(5) Any attack made by livestock as defined in this Section.

E. For the purposes of this Section:

(1) "Harboring or keeping" means feeding, sheltering, or having custody over the animal for three (3) or more consecutive days.

(2) "Livestock" means any animal except dogs and cats, bred, kept, maintained, raised, or used for profit, that is used in agriculture, aquaculture, agritourism, competition, recreation, or silvaculture, or for other related purposes or used in the production of crops, animals, or plant or animal products for market. This definition includes but is not limited to cattle, buffalo, bison, oxen, and other bovine; horses, mules, donkeys, and other equine; goats; sheep; swine; chickens, turkeys, and other poultry; domestic rabbits; imported exotic deer and antelope, elk, farm-raised white-tailed deer, farm-raised ratites, and other farm-raised exotic animals; fish, pet turtles, and other animals identified with aquaculture which are located in artificial reservoirs or enclosures that are both on privately owned property and constructed so as to prevent, at all times, the ingress and egress of fish life from public waters; any commercial crawfish from any crawfish pond; and any hybrid, mixture, or mutation of any such animal.

(3) "Owner" means any person, partnership, corporation, or other legal entity owning, harboring, or keeping any animal.
(Former Section 7:13)

Sections 14:40-45 (Blank)

Section 14:46 False imprisonment (Source: R.S. 14:46)

A. False imprisonment is the intentional confinement or detention of another, without his consent, without proper legal authority, and when the offender is not armed with a dangerous weapon.

B. Whoever commits false imprisonment shall be fined not more than two hundred (\$200) dollars, or imprisoned for not more than sixty (60) days, or both.

Section 14:47-55 Reserved

PART VII. OFFENSES AGAINST PROPERTY

Section 14.56 Simple criminal damage to property

A. Simple criminal damage to property is the intentional damaging of any property of another where the damage is less than five hundred (\$500) dollars in value, without the consent of the owner, wherein it is not foreseeable that human life might be endangered, by any means other than fire or explosion.

B. The provisions of this Section shall include the intentional damaging of a dwelling, house, apartment, or other structure used in whole or in part as a home, residence, or place of abode by a person who leased or rented the property.
(Former Section 7.51)

Section 14:56.1 Criminal damage to coin-operated devices (Source: R.S. 14:56.1)

A. Criminal damage to a coin-operated device is the intentional damaging of any coin-operated device belonging to another when the damage amounts to less than one hundred (\$100) dollars.

B. Coin-operated device means any parking meter, pay telephone, vending machine, money-changing machine, or any other coin activated device designed to accept money for a privilege, service, or product.

C. For purposes of this Section, the value of damages shall be determined by the actual cost of repair, or replacement if necessary.

Section 14:56.4. Criminal damage to property by defacing with graffiti (Source: R.S. 14:56.4)

A. It shall be unlawful for any person to intentionally deface with graffiti immovable or movable property, whether publicly or privately owned, where the damage is less than five hundred (\$500) dollars, without the consent of the owner.

B. As used in this Section, the following terms mean:

(1) "Deface" or "defacing" is the damaging of immovable or movable property by means of painting, marking, scratching, drawing, or etching with graffiti.

(2) "Graffiti" includes but is not limited to any sign, inscription, design, drawing, diagram, etching, sketch, symbol, lettering, name, or marking placed upon immovable or movable property in such a manner and in such a location as to deface the property and be visible to the general public.

Section 14:58 Trash fires restrictions

It shall be unlawful for any person to start or set any fire to any trash fire or to burn paper, grass, trash, or debris where such fire is not protected by a proper furnace or incinerator.
(Former Section 7:129)

Section 14:59 Criminal mischief (Source: R.S. 14:59)

It shall be unlawful for any person to commit criminal mischief. Criminal mischief is the intentional performance of any of the following acts:

(1) Tampering with any property of another, without the consent of the owner, with the intent to interfere with the free enjoyment of any rights of anyone thereto, or with the intent to deprive anyone entitled thereto of the full use of the property.

(2) Giving of any false alarm of fire or notice which would reasonably result in emergency response.

(3) Driving of any tack, nail, spike or metal over one and one-half inch (1 ½) in length into any tree located on lands belonging to another, without the consent of the owner, or without the later removal of the object from the tree.

(4) The felling, topping or pruning of trees or shrubs within the right-of-way of a town street, without prior written approval of the town or its representative, provided prior written approval is not required for agents or employees of public utility companies in situations of emergency where the person or property of others is endangered.

(5) Giving of any false report or complaint to any officer of the law relative to the commission of, or an attempt to commit, an offense or crime.

(6) Throwing any stone or any other missile in any street, avenue, alley, road, highway, open space, public square, or enclosure, or throwing any stone, missile, or other object from any place into any street, avenue, road, highway, alley, open space, public square, enclosure, or at any train, railway car, or locomotive.

(7) Taking temporary possession of any part or parts of a place of business, or remaining in a place of business after the person in charge of such business or portion of such business has directed such person to leave the premises and to desist from the temporary possession of any part or parts of such business.

(8) The communication to any person for the purpose of disrupting any public utility water service, when the communication causes any officer, employee, or agent of the service reasonably to be placed in sustained fear for his or another person's safety, or causes the evacuation of a water service building, or causes any discontinuance of any water service.

(9) The discharging of any firearm at a train, locomotive, or railway car.
(Former Section 7:52)

Section 14:60 Fire-raising on lands of another (Source: R.S. 14:204)

A. Fire-raising on lands of another is the performance of any of the following acts:

(1) The setting fire to any grass, leaves, brush, or debris on lands by the owner, or by the owner's agent or lessee, and allowing the fire to spread or pass to lands of another.

(2) The starting of fire with wood or other fuel on lands of another, without malice, for camping or other purposes, with failure to exercise sufficient precautions so as to prevent the fire from spreading to grass, leaves, brush or other debris on the lands.

(3) The setting fire to grass, leaves, brush or other debris on lands of another by means of casting aside a lighted match or lighted cigar or cigarette stub.

(4) The burning over or causing burning over to be done on any land which adjoins woodlands of another within the town without first giving the town fire department written notice of intention to burn over the lands, giving a description of the property which will reasonably describe the location where the burning shall begin, and the date on which the lands are to be burned over.

B. Whoever commits fire-raising on lands of another shall be fined not more than three hundred (\$300) dollars or imprisoned for not more than thirty (30) days, or both.

Section 14:61 Fire-raising on lands of another with malice (Source: R.S. 14:205)

It shall be unlawful for any person to commit fire-raising on lands of another with malice. Fire-raising on lands of another with malice is the malicious setting fire to any grass, leaves, brush, or debris on lands of another, or the procuring same to be done.

Section 14:62 Fire prevention interference (Source: R.S. 14:206)

It shall be unlawful for any person to commit fire prevention interference. Fire prevention interference is the intentional performance of any of the following acts:

(1) Defacing or destroying fire warning notices or posters.

(2) Injuring, destroying, removing or in any manner interfering with the use of any tools, equipment, towers, buildings or telephone lines used in the detection, reporting or suppression of fire.

(Former Section 7:276)

Section 14:63 Criminal trespass (Source: R.S. 14:63)

A. No person shall enter any structure, watercraft, or movable owned by another without express, legal, or implied authorization.

B. No person shall enter upon immovable property owned by another without express, legal, or implied authorization.

C. No person shall remain in or upon property, movable or immovable, owned by another

without express, legal, or implied authorization.

D. It shall be an affirmative defense to a prosecution for a violation of Subsections A, B, or C of this Section, that the accused had express, legal, or implied authority to be in the movable or on the immovable property.

E. The following persons may enter or remain upon the structure, watercraft, movable or immovable property, of another:

- (1) A duly commissioned law enforcement officer in the performance of his duties.
- (2) Any firefighter, whether or not a member of a volunteer or other fire department, and any employee or agent of the Louisiana Department of Agriculture and Forestry engaged in locating and suppressing a fire.
- (3) Emergency medical personnel engaged in the rendering of medical assistance to an individual.
- (4) Any federal, state or local government employee, public utility employee or agent engaged in suppressing or dealing with an emergency that presents an imminent danger to human safety or health or to the environment.
- (5) Any federal, state or local government employee, public utility employee or agent in the performance of his duties when otherwise authorized by law to enter or remain on immovable or movable property.
- (6) Any person authorized by a court of law to enter or remain on immovable property.
- (7) Any person exercising the mere right of passage to an enclosed estate, as otherwise provided by law.

F. The following persons may enter or remain upon immovable property of another, unless specifically forbidden to do so by the owner or other person with authority, either orally or in writing:

- (1) A professional land surveyor or his authorized personnel, engaged in the "Practice of Land Surveying", as defined in R.S. 37:682.
- (2) A person, affiliate, employee, agent or contractor of any business which is regulated by the Louisiana Public Service Commission or by a local franchising authority or the Federal Communication Commission under the Cable Reregulation Act of 1992 or of a town or public utility, while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance of a facility, servitude or any property located on the immovable property

which belongs to such a business.

(3) Any person making a delivery, soliciting, selling any product or service, conducting a survey or poll, a real estate licensee or other person who has a legitimate reason for making a delivery, conducting business or communicating with the owner, lessee, custodian or a resident of the immovable property, and who, immediately upon entry, seeks to make the delivery, to conduct business or to conduct the communication.

(4) An employee of the owner, lessee or custodian of the immovable property while performing his duties, functions and responsibilities in the course and scope of his employment.

(5) The owner of domestic livestock or his employees or agents while in the process of retrieving his domestic livestock that have escaped from an area fenced to retain such domestic livestock.

(6) The owner of a domestic animal while in the sole process of merely retrieving his domestic animal from immovable property and not having a firearm or other weapon on his person.

(7) Any candidate for political office or any person working on behalf of a candidate for a political office.

(8) The owner or occupant of a watercraft or vessel traveling in salt water engaged in any lawful purpose for the purpose of retrieval of his property or for obtaining assistance in an emergency situation.

G. The following penalties shall be imposed for a violation of this Section:

(1) For the first offense, the fine shall be not less than one hundred (\$100) dollars, imprisonment for not more than thirty(30) days, or both.

(2) For the second offense, the fine shall be not less than three hundred (\$300) dollars, imprisonment for not more than sixty (60) days, or both.

(3) For the third offense and all subsequent offenses, the fine shall be not less than five hundred (\$500) dollars, imprisonment for not less than sixty (60) days, or both.

(4) A person may be convicted of a second offense and any subsequent offenses regardless of whether any prior conviction involved the same structure, watercraft, movable or immovable property and regardless of the time sequence of the occurrence of the offenses.

H. A minor ten (10) years old or younger shall not be arrested, detained or apprehended for the crime of trespass.

(Former Section 7:53)

Section 14:63.3 Entry on or remaining in places or on land after being forbidden (Source: R.S. 14:63.3)

It shall be unlawful for any person without authority to go into or upon or remain in or upon or attempt to go into or upon or remain in or upon any structure, watercraft, or any other movable, or immovable property, which belongs to another, including public buildings and structures, ferries, and bridges, or any part, portion, or area thereof, after having been forbidden to do so, either orally or in writing, including by means of any sign hereinafter described, by any owner, lessee, or custodian of the property or by any other authorized person. For the purposes of this Section, the above mentioned sign means a sign or signs posted on or in the structure, watercraft, or any other movable, or immovable property, including public buildings and structures, ferries and bridges, or part, portion or area thereof, at a place or places where such sign or signs may be reasonably expected to be seen.

(Former Section 7:55)

Section 14:63.4 Aiding and abetting others to enter or remain on premises where forbidden (Source: R.S. 14:63.4)

A. It shall be unlawful for any person to incite, solicit, urge, encourage, exhort, instigate, or procure any other person to go into or upon or to remain in or upon any structure, watercraft, or any other movable which belongs to another, including public buildings and structures, ferries, and bridges, or any part, portion, or area thereof, knowing that such other person has been forbidden to go or remain there, either orally or in writing, including by means of any sign hereinafter described, by the owner, lessee, or custodian of the property or by any other authorized person.

B. For the purposes of this Section, the above mentioned sign means a sign or signs posted on or in the structure, watercraft or any other movable, including public buildings and structures, ferries and bridges, or part, portion or area thereof, at a place or places where such sign or signs may be reasonably expected to be seen.

C. Any law enforcement officer investigating a complaint that the provisions of this Section are being or have been violated or any such officer making any arrest for violation of this Section, may require any person involved in such investigation or arrest to identify himself to such officer. Upon demand of such officer, the person involved shall inform the officer of his true name and address.

(Former Section 7:56)

Section 14:67 Theft (Source: R.S. 14:67)

It shall be unlawful for any person to commit theft. Theft is the misappropriation or taking of anything of value of less than a value of three hundred (\$300) dollars which belongs to another, either without the consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations by a person. An intent to deprive the other permanently of

whatever may be the subject of the misappropriation or taking is essential.
(Former Section 7:70)

Section 14:67.2 Theft of animals (Source: R.S. 14:67.2)

A. Theft of animals is the misappropriation, killing, or taking of any animal which belongs to another, either without consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations, when the misappropriation or taking amounts to less than a value of three hundred (\$300) dollars. An intent to deprive the other permanently of the animal or an intent to ransom it for the purpose of extorting money or favor is essential.

B. The value of the animal which was misappropriated, killed, or taken shall be decided by the court, based upon the evidence establishing the value beyond a reasonable doubt, including but not limited to the following:

(1) The amount of money which was acquired from the sale, use, or other disposal of the animal.

(2) Expert testimony as to the amount of money which may be acquired from the sale, use, or other disposal of the animal.

(3) In cases of a pet other than a dog, testimony by the owner as to the strength of the bond between the owner and the animal and the emotional attachment between the animal and the owner or person with whom the animal is attached.

C. For the purposes of this Section, "animal" means any non-human living creature except for (1) livestock (any animal, hybrid, mixture, or mutation of the species of horses, mules, donkeys, asses, cattle, swine, sheep, goats, domesticated deer, buffalo, bison, beefalo, or oxen) and (2) for a dog that is also a pet.

Section 14:67.3 Unauthorized use of "access card" as theft (Source: R.S. 14:67.3)

A.(1) "Access card" shall mean and include any card, plate, account number, paper, book, or any other device, issued to a person which authorizes such person to obtain credit, money, goods, services, or anything of value, whether contemporaneously or not, by use of any credit or deferred payment plan with the issuer or by use of debiting or charging such person's demand deposit or savings or time account with the issuer or by debiting or charging any other funds such person has on deposit with the issuer.

(2) "Revoked Access Card" as used herein shall mean an Access Card which has been cancelled or terminated by the issuer of said Access Card.

(3) "Person" as used herein shall mean and include natural persons, or any organization, or

other entity.

(4) "Issuer" as used herein shall be the depository and/or creditor issuing the Access Card, directly or through another entity.

(5) The aggregate amount or value of credit, money, goods, services or anything else of value obtained shall determine the value of the misappropriation or taking in determining the penalty under Section 14:67 when the offender has obtained the credit, money, goods, services or anything else of value from any one issuer or the offender has used an Access Card, or referred to a nonexistent Access Card on two or more occasions within any consecutive ninety (90) day period.

B. Whoever, directly or indirectly, by agent or otherwise, with intent to defraud, (1) uses a forged Access Card, (2) makes reference by number or other description to a nonexistent Access Card, (3) steals or wrongfully appropriates an Access Card, or (4) uses an Access Card belonging to another person without authority of said person; thereby obtaining, whether contemporaneously or not, credit, money, goods, services or anything of value shall be guilty of theft and shall be subject to the penalties provided for the offense of theft in Section 14:67.

C. Whoever, directly or indirectly, by agent or otherwise, with intent to defraud, uses a revoked Access Card, thereby obtaining, whether contemporaneously or not, credit, money, goods, services or anything of value shall be guilty of theft and shall be subject to the penalties provided for the offense of theft in Section 14:67. For purposes of this Subsection, it shall be presumptive evidence that a person used a revoked Access Card with intent to defraud if the said person, directly or indirectly, by agent or otherwise, uses the said Access Card after actually receiving oral or written notice that the Access Card has been cancelled or terminated, or if said person, directly or indirectly, by agent or otherwise, uses the said Access Card at a time period more than five (5) days after written notice of the termination or cancellation of said Access Card has been deposited by registered or certified mail in the United States mail system. Said notice shall be addressed to the person to whom such Access Card has been issued at the last known address for such person as shown on the records of the issuer.

D. Whoever, directly or indirectly, by agent or otherwise, with the intent to defraud, uses an Access Card to obtain, whether contemporaneously or not, money, goods, services or anything of value, and the final payment for said items is to be made by debiting or charging said person's demand deposit or savings or time account with issuer, or by debiting or charging any other funds said person has on deposit with issuer, and there are not sufficient funds on deposit to the credit of said person with the issuer to make payment in full of said items obtained, said person shall have committed the offense of theft in Section 14:67. Said person's failure to pay the amount due on said items obtained:

(1) Within ten (10) days after written notice of said amount due has been deposited by certified or registered mail in the United States mail system addressed to the person to whom such Access Card has been issued at the last known address for such person as shown on the records of

issuer; or

(2) Within ten (10) days of delivery or personal tender of said written notice shall be presumptive evidence of said person's intent to defraud.

E. As used herein and in Section 14:67, the Access Card itself shall be a thing of value, with a value less than one hundred (\$100) dollars.

F. In addition to any other fine or penalty imposed under this Section or under Section 14:67, the court may, at its discretion, order as a part of the sentence, restitution.

Section 14:67.6 Theft of utility service; inference of commission of theft (Source: R.S. 14:67.6)

A. Theft of utility service is the misappropriation, taking, or use of any electricity, gas, water, or telecommunications which belongs to another, is held for sale by another, or is being distributed by another, without the consent of the owner, seller, or distributor or by means of fraudulent conduct, practices, or representations by a person who has not been previously convicted of such offense. A taking, misappropriation, or use includes the diversion by any means or device of any quantity of electricity, gas, water, or telecommunications from the wires, cables, pipes, mains, or other means of transmission of such person, or by directly or indirectly preventing a metering device from properly registering the quantity of electricity, gas, water, or telecommunications actually used, consumed, or transmitted.

B. The trier of fact may infer that there was a misappropriation, taking, or using without the consent of the owner, seller, or distributor, or that there was fraudulent conduct, practices, or representations when:

(1) There is on or about any wire, cable, pipe, main, or meter, or the equipment to which said wire, cable, pipe, main, or meter is affixed or attached, any device or any other means resulting in the diversion of electricity, gas, water, or telecommunications, or any device or any other means resulting in the prevention of the proper action or accurate registration of the meter or meters used to measure the quantity of electricity, gas, water, or telecommunications actually used, consumed, or transmitted, or interfering with the proper action or accurate registration of such meter or meters;

(2) The person charged had custody or control of the room, structure, or place where such device, other means, or such wire, cable, pipe, main, meter, or equipment affixed or attached thereto was located; and

(3) The person charged benefitted from the misappropriation of such utility service; or

(4) The person charged intentionally supplied false information in applying for such utility service.

C. The offender shall be fined not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars or imprisoned for not more than sixty (60) days, or both.

D. This Section shall not apply to the attachment on the customer's side of the customer's main electric disconnect of any device which lowers the quantity of utilities actually used and does not divert such utilities or prevent their proper registration.

Section 14:67.10 Theft of goods (Source: R.S. 14:67.10)

It shall be unlawful for any person to commit theft of goods. Theft of goods is the misappropriation or taking of anything of value with a value of less than three hundred (\$300) dollars which is held for sale by a merchant, either without the consent of the merchant to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations by a person. An intent to deprive the merchant permanently of whatever may be the subject of the misappropriation or taking is essential and may be inferred when a person:

- (1) Intentionally conceals, on his person or otherwise, goods held for sale;
- (2) Alters or transfers any price marking reflecting the actual retail price of the goods;
- (3) Transfers goods from one container or package to another or places goods in any container, package, or wrapping in a manner to avoid detection;
- (4) Willfully causes the cash register or other sales recording device to reflect less than the actual retail price of the goods; or
- (5) Removes any price marking with the intent to deceive the merchant as to the actual retail price of the goods.
- (6) Damages or consumes goods or property so as to render it unmerchantable.

Section 14:67.17 Theft of motor vehicle fuel (Source: R.S. 14:67.17)

No person shall dispense fuel, including gasoline and diesel, into the fuel tank of a motor vehicle at an establishment in which motor gasoline or diesel is offered for retail sale and leave the premises of the establishment unless the payment or authorized charge for the fuel has been made.

Section 14:68 Unauthorized use of a movable (Source: R.S. 14:68)

It shall be unlawful for any person to commit unauthorized use of a movable. Unauthorized use of a movable is the intentional taking or use of a movable having a value of five hundred (\$500) dollars or less which belongs to another either without the other's consent, or by means of fraudulent conduct, practices, or representations, but without any intention to deprive the other of the movable

permanently. The fact that the movable so taken or used may be classified as an immovable, according to the law pertaining to civil matters, is immaterial.
(Source: Former Section 7:71; Ordinance of October 1, 1974, Section 11)

Section 14:68.1 Unauthorized removal of shopping cart, basket, or dairy case (Source: R.S. 14:68.1)

A. It shall be unlawful for any person to remove a shopping cart, basket, or dairy case belonging to another from the parking area or grounds of any store without authorization therefor.

B. Whoever commits unauthorized removal of a shopping cart, basket, or dairy case from the parking area or grounds of a store shall be fined not more than one hundred (\$100) dollars, or imprisoned for not more than sixty (60) days, or both.

Section 14:68.3 Unauthorized removal of a motor vehicle (Source: R.S. 14:68.3)

It shall be unlawful for anyone, except upon a court order, to remove a motor vehicle from a garage, repair shop, or vehicle storage facility when there is a charge due such garage, repair shop, or vehicle storage facility for repair work, mechanical service, or storage rendered to such vehicle without paying the charge or making arrangements acceptable to the management of the garage, repair shop, or vehicle storage facility to pay the charge.

Section 14:68.6 Unauthorized ordering of goods or services (Source: R.S. 14:68.6)

A. It is unlawful for any person to intentionally place an order for any goods or services to be supplied or delivered to another person when all of the following circumstances apply:

(1) The person receiving the goods or services has not previously authorized such an order, does not reside with the person who placed the order, and the goods or services are not being given as a gift to that person.

(2) The person receiving the goods or services is required to pay for such goods or services, either in advance or upon delivery and has not previously agreed to do so, or is required to return the items to the sender at his expense.

(3) The person placing the order for goods or services intends to harass or annoy the person receiving such goods or services.

B. Receipt and use of an item described in this Section by the receiver shall constitute an affirmative defense to prosecution under this Section.

C. If the person who places the order for the goods or services is told by the customer who receives the goods or services that the customer did not desire the goods or services, the customer

is released from any obligation to pay for such goods or services and the providing person shall not be liable under this Section.

Section 14:69 Illegal possession of stolen things (Source: R.S. 14:69)

A. It shall be unlawful for any person to commit illegal possession of stolen things. Illegal possession of stolen things is the intentional possessing, procuring, receiving, or concealing of anything of value of less than three hundred (\$300) dollars which has been the subject of any robbery or theft, under circumstances which indicate that the offender knew or had good reason to believe that the thing was the subject of one of these offenses.

B. It shall be an affirmative defense to a violation of this Section committed by means of possessing, that the accused, within seventy-two (72) hours of his acquiring knowledge or good reason to believe that a thing was the subject of robbery or theft, reports that fact or belief in writing to the parish district attorney or town prosecuting attorney.

Section 14:70 False accounting (Source: R.S. 14:70)

It shall be unlawful for any person to commit false accounting. False accounting is the intentional rendering of a financial statement of account which is known by the offender to be false, by anyone who is obliged to render an accounting by the law pertaining to civil matters.

Section 14:70.6 Unlawful distribution, possession, or use of theft alarm deactivation devices (Source: R.S. 14:70.6)

A.(1) For the purposes of this Section, a theft alarm deactivation device is any device which is designed or intended to remove or deactivate any electronic or magnetic device which is placed on or attached to merchandise and which is intended to cause an alarm to be activated if the merchandise is moved from an authorized to an unauthorized area without either payment for the merchandise having been made or permission having been obtained from the owner of the merchandise for the movement.

(2) As used in this Section, the meaning of "owner" shall include an agent or employee of the owner authorized by the owner.

B. Unlawful distribution of theft alarm deactivation devices is the sale, offer for sale, exchange, offer for exchange, donation, or offer for donation of any theft alarm deactivation device with the knowledge or intention that the device will be used to remove or deactivate any theft alarm device for the purpose of moving merchandise from an authorized area to an unauthorized area without either paying for the merchandise or obtaining the permission of the owner of the merchandise.

C. Unlawful possession of theft alarm deactivation devices is the possession of any theft

alarm deactivation device with the knowledge or intention that the device will be used to remove or deactivate any theft alarm device for the purpose of moving merchandise from an authorized area to an unauthorized area without either paying for the merchandise or obtaining the permission of the owner of the merchandise.

D. Unlawful use of theft alarm deactivation devices is the use of any theft alarm deactivation device to remove or deactivate any theft alarm device for the purpose of moving merchandise from an authorized area to an unauthorized area without either paying for the merchandise or obtaining the permission of the owner of the merchandise.

Section 14:71 Defacing buildings prohibited

It shall be unlawful to deface any building or property by making signs or figures thereon, or write any indecent or obscene word, words, or sentences on any building, room, hall, closet, wall, or fence.

(Former Section 7:72)

Section 14:72-81 Reserved

PART VIII. OFFENSES AFFECTING THE PUBLIC MORALS

Section 14:82 Prostitution; definition; enhancement (Source: R.S. 14:82)

A. It shall be unlawful for any person to commit prostitution. Prostitution is:

(1) The practice by a person of indiscriminate sexual intercourse with others for compensation.

(2) The solicitation by one person of another with the intent to engage in indiscriminate sexual intercourse with the latter for compensation.

B. As used in this Section, "sexual intercourse" means anal, oral, or vaginal intercourse.

C. If the offense occurred as a result of a solicitation by the offender while the offender was located on a public road or highway, or the sidewalk, walkway, or public servitude thereof, the court shall sentence the offender to imprisonment for a minimum of ten (10) days. The court may suspend imposition of all or part of the ten (10)-day imprisonment and place the offender upon supervised probation if the offender agrees, as a condition of probation, to perform two hundred forty (240) hours of community service work collecting or picking up litter and trash on the public roads, streets, and highways, under conditions specified by the court.

D. All persons who are convicted of the offense of prostitution shall be referred to the parish health unit for counseling concerning Acquired Immune Deficiency Syndrome.

Section 14:83 Soliciting for prostitutes (Source: R.S. 14:83)

It shall be unlawful for any person to commit soliciting for prostitutes. Soliciting for prostitutes is the soliciting, inviting, inducing, directing, or transporting a person to any place with the intention of promoting prostitution.

Section 14:83.1 Inciting prostitution (Source: R.S. 14:83.1)

It shall be unlawful for any person to commit inciting prostitution. Inciting prostitution is the aiding, abetting, or assisting in an enterprise for profit in which:

- (1) Customers are charged a fee for services which include prostitution, regardless of what portion of the fee is actually for the prostitution services,
- (2) When the person knows or when a reasonable person in such a position should know that such aiding, abetting, or assisting is for prostitution, and
- (3) When the proceeds or profits are to be in any way divided by the prostitute and the person aiding, abetting, or assisting the prostitute.

Section 14:83.3 Prostitution by massage (Source: R.S. 14:83.3)

A. It shall be unlawful for any person to commit prostitution by massage. Prostitution by massage is the erotic stimulation of the genital organs of another by any masseur, masseuse, or any other person, whether resulting in orgasm or not, by instrumental manipulation, touching with the hands, or other bodily contact exclusive of sexual intercourse or unnatural carnal copulation, when done for money.

B. As used in this Section, the terms:

- (1) "Masseur" means a male who practices massage or physiotherapy, or both.
- (2) "Masseuse" means a female who practices massage or physiotherapy, or both.

Section 14:83.4 Massage; sexual conduct prohibited (Source: R.S. 14:83.4)

It shall be unlawful for any masseur, masseuse, or any other person, while in a massage parlor or any other enterprise used as a massage parlor, by stimulation in an erotic manner, to:

- (1) Expose, touch, caress, or fondle the genitals, anus, or pubic hairs of any person or the nipples of the female breast; or
- (2) To perform any acts of sadomasochistic abuse, flagellation, or torture in the context of

sexual conduct.

Section 14:84 (Blank)

Section 14:85 Letting premises for prostitution (Source: R.S. 14:85)

It shall be unlawful for any person to commit letting premises for prostitution. Letting premises for prostitution is the granting of the right of use or the leasing of any premises, knowing that they are to be used for the practice of prostitution, or allowing the continued use of the premises with such knowledge.

Section 14:86 Disorderly place, maintaining of prohibited (Source: R.S. 14:281)

A. No person shall maintain a place of public entertainment or a public resort or any place, room, or part of a building open to the public in such a manner as to disturb the public peace and quiet of the neighborhood.

B. Whoever violates this Section shall be fined not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dollars or imprisoned for not less than thirty (30) days nor more than sixty (60) days, or both.

Section 14:87 Peeping Tom (Source: R.S. 14:284)

A. It shall be unlawful for any person to perform such acts as will make him a "Peeping Tom" on or about the premises of another, or go upon the premises of another for the purpose of becoming a "Peeping Tom".

B. "Peeping Tom" as used in this Section means one who peeps through windows or doors, or other like places, situated on or about the premises of another for the purpose of spying upon or invading the privacy of persons spied upon without the consent of the persons spied upon. It is not a necessary element of this offense that the "Peeping Tom" be upon the premises of the person being spied upon.

(Former Section 7:120)

Section 14:88 Telephone communications; improper language; harassment (Source: R.S. 14:285)

A. It shall be unlawful for any person to:

(1) Engage in or institute a telephone call, telephone conversation, or telephone conference, with another person, anonymously or otherwise, and therein use obscene, profane, vulgar, lewd, lascivious, or indecent language, or make any suggestion or proposal of an obscene nature or threaten any illegal or immoral act with the intent to coerce, intimidate, or harass another person.

(2) Make repeated telephone communications anonymously or otherwise in a manner reasonably expected to annoy, abuse, torment, harass, embarrass, or offend another, whether or not conversation ensues.

(3) Make a telephone call and intentionally fail to hang up or disengage the connection.

(4) Engage in a telephone call, conference, or recorded communication by using obscene language, when by making a graphic description of a sexual act, and the offender knows or reasonably should know that such obscene or graphic language is directed to, or will be heard by, a minor. Lack of knowledge of age shall not constitute a defense.

(5) Knowingly permit any telephone under his control to be used for any purpose prohibited by this Section.

B. Any offense committed by use of a telephone as set forth in this Section shall be deemed to have been committed at either the place where the telephone call or calls originated or at the place where the telephone call or calls were received.

Section 14:89 (Blank)

Section 14:90 Gambling (Source: R.S. 14:90)

A. It shall be unlawful for any person to commit gambling. Gambling is the intentional conducting, or directly assisting in the conducting, as a business, of any game, contest, lottery, or contrivance whereby a person risks the loss of anything of value in order to realize a profit.

B. The conducting or assisting in the conducting of authorized lottery activities or operations in accordance with state law shall not be considered gambling for purposes of this Section.
(Source: Former Section 7:100; Ordinance of October 1, 1974, Section 20)

Section 14:90.2 Gambling in public (Source: R.S. 14:90.2)

A. It shall be unlawful for any person to commit gambling in public. Gambling in public is the aiding or abetting or participation in any game, contest, lottery, or contrivance, in any location or place open to the view of the public or the people at large, such as streets, highways, vacant lots, neutral grounds, alleyway, sidewalk, park, beach, parking lot, or condemned structures whereby a person risks the loss of anything of value in order to realize a profit.

B. This Section shall not prohibit activities authorized by law or ordinance, nor shall it apply to bona fide fairs and festivals conducted for charitable purposes.

Section 14:90.3 Gambling by computer (Source: R.S. 14:90.3)

A. Gambling by computer is the intentional conducting, or directly assisting in the conducting as a business of any game, contest, lottery, or contrivance whereby a person risks the loss of anything of value in order to realize a profit when accessing the Internet, World Wide Web, or any part thereof by way of any computer, computer system, computer network, computer software, or any server in any manner other than authorized or permitted by law.

B. For purposes of this Section:

(1) "Client" means anyone using a computer to access a computer server.

(2) "Computer" includes an electronic, magnetic, optical, or other high-speed data processing device or system performing logical, arithmetic, and storage functions, and includes any property, data storage facility, or communications facility directly related to or operating in conjunction with such device or system. "Computer" shall not include an automated typewriter or typesetter, a machine designed solely for word processing, or a portable hand-held calculator, nor shall "computer" include any other device which might contain components similar to those in computers but in which the components have the sole function of controlling the device for the single purpose for which the device is intended.

(3) "Computer network" means a set of related, remotely connected devices and communication facilities including at least one computer system with capability to transmit data through communication facilities.

(4) "Computer services" means providing access to or service or data from a computer, a computer system, or a computer network.

(5) "Computer software" means a set of computer programs, procedures, and associated documentation concerned with operation of a computer system.

(6) "Computer system" means a set of functionally related, connected or unconnected, computer equipment, devices, or computer software.

(7) "Home Page" means the index or location for each computer site on the World Wide Web.

(8) "Internet" means the global information system that is logically linked together by a globally unique address space based on the Internet Protocol or its subsequent extensions, is able to support communications using the Transmission Control Protocol/Internet Protocol suite or its subsequent extensions, and other Internet Protocol compatible protocols, and provides, uses or makes accessible, either publicly or privately, high level services layered on the communications and related infrastructure described herein.

(9) "Server" means a computer that listens for and services a client.

(10) "World Wide Web" means a server providing connections to mega lists of information on the Internet; it is made up of millions of individual web sites linked together.

Section 14:90.4 Unlawful playing of video draw poker devices by persons under the age of twenty-one (Source: R.S. 14:90.4)

A. It is unlawful for any person under twenty-one (21) years of age, unless such person is at least the age of majority and an active or honorably discharged member of the United States Armed Services or the National Guard of any state, to play video draw poker devices.

B. For purposes of this Section, "video draw poker device" means a device, as defined in R.S. 27:301(B)(15), placed in an establishment licensed for operation and regulated under the applicable provisions of Chapter 6 of Title 27 of the Louisiana Revised Statutes of 1950.

C. Whoever violates this Section shall be fined not more than one hundred (\$100) dollars for the first offense, two hundred fifty (\$250) dollars for the second offense, and five hundred (\$500) dollars for the third offense.

Section 14:90.5 Unlawful playing of gaming devices by persons under the age of twenty-one; underage persons, penalty (Source: R.S. 14:90.5)

A. It is unlawful for any person under twenty-one (21) years of age, unless such person is at least the age of majority and an active or honorably discharged member of the United States Armed Services or the National Guard of any state, to play casino games, gaming devices, or slot machines.

B. No person under the age of twenty-one (21), unless such person is at least the age of majority and an active or honorably discharged member of the United States Armed Services or the National Guard of any state, shall enter, or be permitted to enter, the designated gaming area of a riverboat, the official gaming establishment, or the designated slot machine gaming area of a pari-mutuel wagering facility which offers live horse racing licensed for operation and regulated under the applicable provisions of Chapters 4, 5, and 7 of Title 27 of the Louisiana Revised Statutes of 1950.

C. For purposes of this Section, "casino games, gaming devices, or slot machines" means a game or device, as defined in R.S. 27:44(10) or (12), 205(12) or (13), or 353(14) operated on a riverboat, at the official gaming establishment, or at a pari-mutuel wagering facility which offers live horse racing which is licensed for operation and regulated under the provisions of Chapters 4, 5, and 7 of Title 27 of the Louisiana Revised Statutes of 1950.

Section 14:91 Unlawful sales of weapons to minors (Source: R.S. 14:91)

A. Unlawful sales of weapons to minors is the selling, or otherwise delivering for value any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the

age of eighteen (18). Lack of knowledge of the minor's age shall not be a defense.

B. Whoever commits unlawful sales of weapons to minors shall be fined not more than three hundred (\$300) dollars, or imprisoned for not more than sixty (60) days, or both.

Section 14:91.1 Unlawful presence of a sexually violent predator (Source: R.S. 14:91.1)

A. Unlawful presence of a sexually violent predator is:

(1) The physical presence of a sexually violent predator on the school property of any public or private, elementary or secondary school, or in any motor vehicle or other means of conveyance owned, leased, or contracted by such school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) years are present on the school property or in a school vehicle; or

(2) The physical residing of a sexually violent predator within one thousand (1,000') feet of any public or private elementary or secondary school, a day care facility, playground, public or private youth center, public swimming pool, or free standing video arcade facility.

B. It shall not be a violation of Paragraph (A)(1) of this Section if the offender has permission to be present from the superintendent of the school board in the case of a public school or the principal or headmaster in the case of a private school.

C. If permission is granted to an offender to be present on public school property by the superintendent for that public school pursuant to Subsection B of this Section, then the superintendent shall notify the principal at least twenty-four (24) hours in advance of the visit by the offender. This notification shall include the nature of the visit and the date and time in which the sex offender will be present in the school. The offender shall notify the office of the principal upon arrival on the school property and upon departing from the school. If the offender is to be present in the vicinity of children, the offender shall remain under the direct supervision of a school official.

D. For purposes of this Section:

(1) "School property" means any property used for school purposes, including but not limited to school buildings, playgrounds, and parking lots.

(2) "Sexually violent predator" means a person defined as such in R.S. 15:541(16).

Section 14:91.7 Unauthorized possession or consumption of alcoholic beverages on public school property (Source: R.S. 14:91.7)

A. No person shall intentionally possess or consume alcoholic beverages upon public school property unless authorized by the principal or person in charge of the public school property at the

time.

B. For purposes of this Section:

- (1) "School" means any public elementary or secondary school.
- (2) "School property" means all property used for school purposes, including but not limited to school playgrounds, buildings, and parking lots.

C. Whoever violates this Section shall be fined not more than five hundred (\$500) dollars and imprisoned not less than fifteen (15) days nor more than sixty (60) days.

Section 14:91.11 Sale, exhibition or distribution of material harmful to minors (Source: R.S. 14:91.11)

A.(1) The unlawful sale, exhibition, rental, leasing, or distribution of material harmful to minors is the intentional sale, allocation, distribution, advertisement, dissemination, exhibition, or display of material harmful to minors, by a person who is not the spouse, parent, or legal guardian of the minor to any unmarried person under the age of eighteen (18) years, or the possession of material harmful to minors with the intent to sell, allocate, advertise, disseminate, exhibit, or display such material to any unmarried person under the age of eighteen (18) years, by a person who is not the spouse, parent, or legal guardian of the minor at a newsstand or any other commercial establishment which is open to persons under the age of eighteen (18) years.

(2) "Material harmful to minors" is defined as any paper, magazine, book, newspaper, periodical, pamphlet, composition, publication, photograph, drawing, picture, poster, motion picture film, video tape, video game, figure, phonograph record, album, cassette, compact disc, wire or tape recording, or other similar tangible work or thing which exploits, is devoted to or principally consists of, descriptions or depictions of illicit sex or sexual immorality for commercial gain, and when the trier of fact determines that each of the following applies:

(a) The material incites or appeals to or is designed to incite or appeal to the prurient, shameful, or morbid interest of minors.

(b) The material is offensive to the average adult applying contemporary community standards with respect to what is suitable for minors.

(c) The material taken as a whole lacks serious literary, artistic, political, or scientific value for minors.

(3) For the purpose of this Section "descriptions or depictions of illicit sex or sexual immorality" includes the depiction, display, description, exhibition or representation of:

(a) Ultimate sexual acts, normal or perverted, actual, simulated or animated, whether between human being, animals or an animal and a human being; or

(b) Masturbation, excretory functions, or exhibition, actual, simulated or animated, of the genitals, pubic hair, anus, vulva or female breast nipples; or

(c) Sadomasochistic abuse, meaning actual, simulated or animated, flagellation or torture by or upon a person who is nude or clad in undergarments or in a costume which reveals the pubic hair, anus, vulva, genitals or female breast nipples, or the condition of being fettered, bound or otherwise physically restrained, on the part of one so clothed; or

(d) Actual, simulated or animated, touching, caressing or fondling of, or other similar physical contact with, a pubic area, anus, female breast nipple, covered or exposed, whether alone or between human, animals or a human and an animal, of the same or opposite sex, in an act of apparent sexual stimulation or gratification; or

(e) Actual, simulated or animated, stimulation of the human genital organs by any device whether or not the device is designed, manufactured and marketed for such purpose.

(4) "Minor" means any person under the age of eighteen (18) years.

(5) "Video game" means an object or device that stores recorded data or instructions, receives data or instructions generated by a person who uses it, and, by processing the data or instructions, creates an interactive game capable of being played or viewed on or through a computer, gaming system, console, or other technology.

B.(1) It shall be unlawful for a person who is not the spouse, parent, or legal guardian of the minor to invite or permit any unmarried person under the age of eighteen (18) years of age to be in any commercial establishment that exhibits or displays any item, material, work or thing of any kind that is described in Subsection A of this Section.

(2) Lack of knowledge of age shall not constitute a defense, unless the defendant shows that he had reasonable cause to believe that the minor involved was eighteen (18) years of age or more and that the minor exhibited to the defendant a selective service card, driver's license, military identification card, birth certificate or other official or apparently official document purporting to establish that such a minor was eighteen (18) years of age or more.

(3) For the purpose of Subsections A and B of this Section, "exhibition or display" means the exhibition or display of material harmful to minors as defined in Subsection A of this Section so that, as displayed, depictions and representations of illicit sex or sexual immorality are visible to minors.

(4) A commercial establishment shall not be in violation of this Section if the commercial establishment provides for a separate area for the exhibition or display of material harmful to minors

and designates said area "NOT FOR MINORS" or similar words and the commercial establishment prohibits persons under the age of eighteen (18) years from seeing or examining the contents of material harmful to minors.

C. Whoever violates this Section shall be fined not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars or imprisoned for not more than sixty (60) days, or both.

D. Prior to selling material harmful to minors as provided for by this Section, a commercial establishment shall require the individual purchasing the material harmful to minors to provide a driver's license, selective service card, military identification card, birth certificate, or other official form of identification which on its face establishes the age of the person as eighteen (18) years or older.

E. Whoever is found guilty of violating this Section shall be fined not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars or imprisoned for not more than sixty (60) days, or both.

Section 14:91.12 Sale, distribution or making available to minors publications encouraging, advocating, or facilitating the illegal use of controlled dangerous substances (Source: R.S. 14:91.12)

A. It shall be unlawful for any person to sell, distribute, or make available to a person under eighteen (18) years of age any publication which has as its dominant theme articles or a substantial number of advertisements encouraging, advocating, or facilitating the illegal use of any substance classified as a controlled dangerous substance pursuant to state law.

B. No employee acting within the course and scope of his employment and who has not proprietary interest in the business shall be guilty of a violation of this Section unless he has actual knowledge of the contents of the publication.

Section 14:91.13 Illegal use of controlled dangerous substances in the presence of persons under seventeen years of age (Source: R.S. 14:91.13)

It shall be unlawful for any person over the age of seventeen (17), while in the presence of any person under the age of seventeen (17), and when there is an age difference of greater than two (2) years between the two persons, to use, consume, possess, or distribute any controlled dangerous substance in violation of the Uniform Controlled Dangerous Substance Act.

Section 14:91.21 Sale of poisonous reptiles to minors (Source: R.S. 14:91.21)

A. It shall be unlawful for any person to sell any type of poisonous reptile to a minor.

B. Whoever violates this Section shall be fined not more than one hundred (\$100) dollars

or imprisoned for not more than sixty (60) days, or both, for each such offense.

Section 14:92 Contributing to the delinquency of juveniles (Source: R.S. 14:92)

A. It shall be unlawful for any person to commit contributing to the delinquency of juveniles. Contributing to the delinquency of juveniles is the intentional enticing, aiding, soliciting, or permitting, by anyone over the age of seventeen (17), of any child under the age of seventeen (17), and no exception shall be made for a child who may be emancipated by marriage or otherwise, to:

(1) Beg, sing, sell any article or play any musical instrument in any public place for the purpose of receiving alms; or

(2) Associate with any vicious or disreputable persons, or frequent places where the same may be found; or

(3) Visit any place where beverages of either high or low alcoholic content are the principle commodity sold or given away; or

(4) Visit any place where any gambling device is found, or where gambling habitually occurs; or

(5) Habitually trespass where it is recognized he has no right to be; or

(6) Use any vile, obscene or indecent language; or

(7) (Blank)

(8) Absent himself or remain away, without authority of his parents or tutor, from his home or place of abode; or

(9) Violate any state law or ordinance; or

(10) Visit any place where sexually indecent and obscene material of any nature, is offered for sale, displayed or exhibited.

B. Lack of knowledge of the juvenile's age shall not be a defense.

Section 14:93.1 Model glue: use of; unlawful sales to minors (Source: R.S. 14:93.1)

A. As used in the Section:

(1) "Model glue" means any glue or cement of the type commonly used in the building of model airplanes, boats and automobiles and which contains one or more of the following volatile

solvents: (a) toluol, (b) hexane, (c) trichlorethylene, (d) acetone, (e) toluene, (f) ethyl acetate, (g) methyl ethyl ketone, (h) trichlorochthane, (i) isopropanol, (j) methyl isobutyl ketone, (k) methyl cellosolve acetate, (l) cyclohexanone, or (m) any other solvent, material, substance, chemical or combination thereof having the property of releasing toxic vapors.

(2) "Abuse of toxic vapors" means to smell or inhale the fumes of any solvent, material, substance, chemical or combinations thereof having the property of releasing toxic vapors for the purpose of causing a condition of, or inducing a symptom included in Subsection B of this Section.

B. It shall be unlawful for any person to intentionally smell or inhale the fumes of any type of model glue or the fumes of toxic vapors for the purpose of causing a condition of, or inducing symptoms of intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction or dulling of the senses or nervous system; or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental processes; provided, however, that this Section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

C. It shall be unlawful for any person to sell any type of model glue to a minor for any reason whatsoever.

D. It shall be unlawful for any person to sell or otherwise transfer possession of any type of model glue to any minor for any purpose whatsoever, unless the minor receiving possession of the model glue is the child or ward of and under the lawful custody of the vendor, donor or transferor of the glue.

E. Whoever violates this Section shall be fined not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dollars or imprisoned for not more than sixty (60) days for each such offense or both.

Section 14:93.2 Tattooing and body piercing minors (Source: R.S. 14:93.2)

It is unlawful for any person to tattoo or body pierce any other person under the age of eighteen (18) without the consent of the parents of such person. Whoever violates this Section shall be fined not less than one hundred (\$100) dollars no more than five hundred (\$500) dollars or be imprisoned for not less than thirty (30) days nor more than sixty (60) days, or both.

Section 14:93.2.1 Child desertion (Source: R.S. 14:93.2.1)

It shall be unlawful for any person to commit child desertion. Child desertion is the intentional or criminally negligent exposure of a child under the age of ten (10) years, by a person who has the care, custody, or control of the child, to a hazard or danger against which the child cannot reasonably be expected to protect himself, or the desertion or abandonment of such child, knowing or having reason to believe that the child could be exposed to such hazard or danger.

Section 14:93.10 Definitions (Source R.S. 14:93.10)

For purposes of Sections 14:93.10 through 14:93.13, the following definitions shall apply:

(1) "Purchase" means acquisition by the payment of money or other consideration. Purchase does not include such acquisition for medical purposes either when purchased as over the counter medication or when prescribed or administered by a licensed physician, pharmacist, dentist, nurse, hospital, or medical institution.

(2) "Public possession" means the possession of any alcoholic beverage for any reason, including consumption, on any street or highway or in any public place or any place open to the public, including a club which is de facto open to the public. "Public possession" does not include the following:

(a) The possession or consumption of any alcoholic beverage:

(i) For an established religious purpose.

(ii) When a person under twenty-one (21) years of age is accompanied by a parent, spouse, or legal guardian twenty-one (21) years of age or older.

(iii) For medical purposes when purchased as an over the counter medication, or when prescribed or administered by a licensed physician, pharmacist, dentist, nurse, hospital, or medical institution.

(iv) In private residences.

(b) The sale, handling, transport, or service in dispensing of any alcoholic beverage pursuant to lawful ownership of an establishment or to lawful employment of a person under twenty-one (21) years of age by a duly licensed manufacturer, wholesaler, or retailer of beverage alcohol.

(3) "Alcoholic beverage" means beer, distilled spirits, and wine containing one-half of one (½) percent or more of alcohol by volume. Beer includes but is not limited to ale, lager, porter, stout, sake, and other similar fermented beverages brewed or produced from malt wholly or in part or from any substitute therefor. Distilled spirits include alcohol, ethanol, or spirits or wine in any form, including all dilutions and mixtures thereof from whatever process produced.

Section 14:93.11 Unlawful sales to persons under twenty-one (Source R.S. 14:93.11)

A. Unlawful sales to persons under twenty-one (21) is the selling or otherwise delivering for value of any alcoholic beverage to any person under twenty-one (21) years of age unless such person is the lawful owner or lawful employee of an establishment to which the sale is being made and is accepting such delivery pursuant to such ownership or employment. Lack of knowledge of the

person's age shall not be a defense.

B. Whoever violates this Section shall be fined not more than five hundred (\$500) dollars or imprisoned for not less than thirty (30) days nor more than sixty (60) days, or both.
(Former Section 7:110)

Section 14:93.12 Purchase and public possession of alcoholic beverages; exceptions; penalties
(Source R.S. 14:93.12)

A. It is unlawful for any person under twenty-one (21) years of age to purchase or have public possession of any alcoholic beverage.

B.(1) Whoever violates this Section shall be fined not more than one hundred (\$100) dollars or imprisoned for not more than sixty (60) days, or both.

(2) Any person apprehended while violating this Section shall be issued a citation by the apprehending law enforcement officer, which shall be paid in the same manner as provided for the offenders of local traffic violations.

Section 14:93.13 Unlawful purchase of alcoholic beverages by persons on behalf of persons under twenty-one (Source: R.S. 14:93.13)

A. It is unlawful for any person, other than a parent or legal custodian as specified in Section 81(2)(a)(ii), to purchase on behalf of a person under twenty-one (21) years of age any alcoholic beverage.

B. Whoever violates this Section shall be fined not more than five hundred (\$500) dollars or imprisoned for not more than thirty (30) days, or both.

Section 14:93.14 Misrepresentation of age to obtain alcoholic beverages or gain entry to licensed premises Source: R.S. 14:333)

A. It shall be unlawful for any person under the age of twenty-one (21) years to present or offer to any person having a license or permit to sell alcoholic beverages, under state law and town ordinance, or to his agent or employee any written, printed or photostatic evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of obtaining or purchasing alcoholic beverages or attempting to enter the licensed premises.

B. Whoever violates this Section shall be fined not more than two hundred (\$200) dollars, ordered to an appropriate amount of community service not to exceed thirty (30) hours, or both.

PART IX. OFFENSES AFFECTING THE PUBLIC GENERALLY

Section 14:94 Discharging firearm (Source: R.S. 32:292; R.S. 38:213.1)

A. It shall be unlawful for any person to discharge any firearm; except for law enforcement officer in the discharge of his official duties or a person acting in the necessary defense of life or property, and the discharge of firearms to allow appropriate state sanctioned hunter and/or firearm safety courses to be conducted.

B. Whoever violates this Section shall be fined not more than fifty (\$50) dollars or imprisoned not more than thirty (30) days, or both.

(Former Section 7:126; Ordinance adopted September 9, 2003)

Section 14:94.1 Shooting air guns prohibited

The use, firing, shooting, and explosion of an "air gun", "air rifle" or "blow gun" is hereby declared to be a nuisance. It shall be unlawful for any person to use, fire, shoot, or explode an "air gun", "air rifle" or "blow gun".

(Former Section 7:125)

Section 14:95 Fireworks; sale, explosion prohibited; exceptions

A. No person or firm shall store, display, or sell fireworks of any nature other than those designated as Class "C" fireworks by state law.

B. It shall be unlawful for any person to shoot or discharge, or explode or cause to explode any fireworks.

C. The application of this Section may be dispensed with by the mayor, upon proper application, for fairs, celebrations, or special events, and a permit is issued by the mayor designating certain persons to be in charge of such exhibitions of fireworks.

(Former Section 7:140)

Section 14:95.4 Consent to search; alcoholic beverage outlet (Source: R.S. 14:95.4)

A. Any person entering an alcoholic beverage outlet as defined herein, by the fact of such entering, shall be deemed to have consented to a reasonable search of his person for any firearm by law enforcement officer or other person vested with police power, without the necessity of a warrant.

B. For purposes of this Section, "alcoholic beverage outlet" means any commercial establishment in which alcoholic beverages of either high or low alcoholic content are sold in individual servings for consumption on the premises, whether or not such sales are the primary purpose or are an incidental purpose of the business of the establishment.

C. An "alcoholic beverage outlet" licensed to sell firearms or containing an indoor shooting

gallery shall be exempt from this Section in those areas designated for the sale of firearms or the shooting gallery.

D. An "alcoholic beverage outlet" shall not include a restaurant if a majority of its gross receipts are from sales of food and non-alcoholic beverages.

E. The owner of the alcoholic beverage outlet shall post a sign, at or near the entrance, that states that by the fact of entering these premises a person shall be deemed to have consented to a reasonable search of his person for any firearm by a law enforcement officer or other person vested with police power, without the necessity of a warrant.

Section 14:95.5 Possession of firearm on premises of alcoholic beverage outlet (Source: R.S. 14:95.5)

A. It shall be unlawful for any person intentionally possess a firearm while on the premises of an alcoholic beverage outlet.

B. "Alcoholic beverage outlet" as used herein means any commercial establishment in which alcoholic beverages of either high or low alcoholic content are sold in individual servings for consumption on the premises, whether or not such sales are a primary or incidental purpose of the business of the establishment.

C. This Section shall not apply to the owner or lessee of an alcoholic beverage outlet, or to an employee of such owner or lessee, or to a law enforcement officer or other person vested with law enforcement authority acting in the performance of his official duties.

Section 14:95.6 Firearm-free zone; offenses regarding signs (Source: R.S. 14:95.6)

A. It is unlawful for any person to cover, remove, deface, alter, or destroy any sign or other marking identifying a firearm-free zone. A "firearm-free zone" is an area inclusive of any school campus and within one thousand feet of any such school campus, and within a school bus.

B. For purposes of this Section:

(1) "School" means any public or private elementary, secondary, high school, or vocational-technical school, college, or university.

(2) "School campus" means all facilities and property within the boundary of the school property.

(3) "School bus" means any motor bus being used to transport children to and from school or in connection with school activities.

Section 14:95.7 Possession of or dealing in firearms with obliterated number or mark (Source: R.S. 14:95.7)

A. No person shall intentionally receive, possess, carry, conceal, buy, sell, or transport any firearm from which the serial number or mark of identification has been obliterated.

B. This Section shall not apply to any firearm which is any antique or war relic and is inoperable or for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade, or which was originally manufactured without such a number.

Section 14:96 (Blank)

Section 14:97 Simple obstruction of a highway of commerce (Source: R.S. 14:97)

Simple obstruction of a highway of commerce is the intentional or criminally negligent placing of anything or performance of any act on any railway, railroad, navigable waterway, road, highway, thoroughfare, or runway of an airport, which will render movement thereon more difficult.

Whoever commits simple obstruction of a highway of commerce shall be fined not more than two hundred (\$200) dollars, or imprisoned for not more than sixty (60) days, or both.
(Former Section 7:127)

Section 14:98 (Blank)

Section 14:98.3. Operating a vehicle while under suspension for certain prior offenses

A. It shall be unlawful to operate a motor vehicle on a public street where the operator's driving privileges have been suspended under state law. It shall not be a violation of this Section when a person operates a motor vehicle to obtain emergency medical care for himself or any other person.

B. Whoever violates this Section shall be imprisoned for not less than fifteen (15) days nor more than sixty (60) days without benefit of suspension of imposition or execution of sentence, except as provided in Subsection C.

C. When the operator's driving privileges were suspended for manslaughter, vehicular homicide, or negligent homicide, the offender shall be imprisoned for sixty (60) days without benefit of suspension of imposition or execution of sentence.

Section 14:99 Reckless operation of a vehicle (Source: R.S. 14:99)

A. Reckless operation of vehicle is the operation of any motor vehicle, aircraft, vessel, or

other means of conveyance in a criminally negligent or reckless manner.

B. Whoever commits the offense of reckless operation of a vehicle shall be fined not more than two hundred (\$200) dollars, or imprisoned for not more than sixty (60) days, or both.

C. On a second or subsequent conviction the offender shall be fined not less than twenty-five (\$25) nor more than five hundred (\$500) dollars, or imprisoned for not less than ten (10) days nor more than sixty (60) days, or both.

Section 14:100 Hit and run driving (Source: R.S. 14:100)

A. It shall be unlawful for any person to commit hit and run driving. Hit and run driving is the intentional failure of the driver of a vehicle involved in or causing any accident where none of the following conditions are met:

(1) Death or serious bodily injury is a direct result of the accident.

(2) The driver knew or must have known that the vehicle he was operating was involved in an accident or that his operation of the vehicle was the direct cause of an accident.

(3) The driver had been previously convicted of any of the following:

(a) A violation of R.S. 14:98, or a law or an ordinance of any state or political subdivision prohibiting operation of any vehicle or means of transportation or conveyance while intoxicated, impaired, or while under the influence of alcohol, drugs, or any controlled dangerous substance on two or more occasions within ten (10) years of this offense.

(b) A violation of R.S. 14:32.1-vehicular homicide.

(c) A violation of R.S. 14:39.1-vehicular negligent injuring.

(d) A violation of R.S. 14:39.2-first degree vehicular negligent injuring.

B. For the purpose of this Section:

(1) "To give his identity" means that the driver of any vehicle involved in any accident shall give his name, address, and the license number of his vehicle, or shall report the accident to the police.

(2) "Serious bodily injury" means bodily injury which involves unconsciousness, extreme physical pain, or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.

(3) "Vehicle" includes a watercraft.

(4) "Accident" means an incident or event resulting in damage to property or injury to person.

Section 14:100.1 Obstructing public passages (Source: R.S. 14:100.1)

A. It shall be unlawful for any person to wilfully obstruct the free, convenient, and normal use of any public sidewalk, street, highway, bridge, alley, road, or other passageway, or the entrance, corridor or passage of any public building, structure, water craft or ferry, by impeding, hindering, stifling, retarding or restraining traffic or passage thereon or therein.

B. This Section shall not be applicable to the erection or construction of any barricades or other forms of obstructions as a safety measure in connection with construction, excavation, maintenance, repair, replacement or other work, in or adjacent to any public sidewalk, street, highway, bridge, alley, road, or other passageway, nor to the placing of barricades or other forms of obstruction by governmental authorities, or any officer or agent thereof, in the proper performance of duties.

(Former Section 7:128)

Section 14:100.2 Processions, marches, parades or demonstrations; permits; liability; bond; exemptions; penalties (Source: R.S. 14:326)

A. Any procession, march, parade, or public demonstration of any kind or for whatever purpose is prohibited by any group, association, or organization on any public sidewalk, street, highway, bridge, alley, road, or other public passageway of the town unless there first has been obtained a permit therefor, and in all cases the person or the group, association, or organization to whom the permit is issued shall be liable for all damage to property or persons which may arise out of or in connection with any such procession, march, parade, or public demonstration for which a permit is issued.

B. Application for the permit required herein shall be made to the mayor and governing authority of the town. Permits may be granted by the authority. However, bond in the amount established by the governing authority shall first be filed with the mayor and town governing authority as security for the payment of any damage or injury which may occur as the result of or in connection with such procession, march, parade, or public demonstration.

C. This Section shall apply to all groups, associations, or organizations regardless of race, creed, color, or political beliefs of its members. However, nothing contained herein shall apply to a bona fide legitimate labor organization or professional firefighter or police association or to any lawful activity of a labor union permitted by law, nor shall these provisions apply to any procession or parade directly held or sponsored by the governing authority of the town nor shall these provisions apply to any procession, march, or parade directly held or sponsored by a bona fide organization

specifically for the celebration of Mardi Gras and/or directly related pre-lenten or carnival festivities, school parades, or other functions, parish parade or other functions, state, parish or town fairs or other such related activities.

Section 14:101 Desecration of graves (Source: R.S. 14:101)

It shall be unlawful for any person to commit desecration of graves. Desecration of graves is the:

(1) Unauthorized opening of any place of interment, or building wherein the dead body of a human being is located, with the intent to remove or to mutilate the body or any part thereof, or any article interred or intended to be interred with the said body; or

(2) Intentional or criminally negligent damaging in any manner, of any grave, tomb, or mausoleum erected for the dead.

Section 14:103 Disturbing the peace (Source: R.S. 14:103)

A. Disturbing the peace is the doing of any of the following in such manner as would foreseeably disturb or alarm the public:

(1) Engaging in a fistful encounter; or,

(2) (BLANK)

(3) Appearing in an intoxicated condition; or

(4) Engaging in any act in a violent and tumultuous manner by any three or more persons;

or

(5) Holding of an unlawful assembly; or

(6) Interruption of any lawful assembly of people.

(7) Intentionally engages in any act or any utterance, gesture, or display designed to disrupt a funeral, funeral home viewing, funeral procession, wake, memorial service, or burial of a deceased person.

(8) Intentionally blocks, impedes, inhibits, or in any other manner obstructs or interferes with access into or from any building or parking lot of a building in which a funeral, wake, memorial service, or burial is being conducted, or any burial plot or the parking lot of the cemetery in which a funeral, wake, memorial service, or burial is being conducted.

B. Whoever commits the crime of disturbing the peace shall be fined not more than one hundred (\$100) dollars or imprisoned for not more than sixty (60) days, or both.
(Former Section 7:131)

Section 14:103.1 Emanation of excessive sound or noise; exceptions; penalties (Source: R.S. 14:103.1)

A. No person shall operate or permit the operation of any sound amplification system which emanates unreasonably loud or excessive sound or noise which is likely to cause inconvenience or annoyance to persons of ordinary sensibilities, when both the following exist:

(1) The sound amplification system is located in or on any motor vehicle on a public street, highway, or public parks.

(2) The sound or noise emanating from the sound amplification system is audible at a distance of greater than twenty-five (25) feet which exceeds eighty-five (85) decibels.

B. This Section do not apply to the use of a horn, alarm, or other warning device which has as its purpose the signaling of unsafe or dangerous situations or to summon the assistance of law enforcement when used for such purpose, or when used in conjunction with a permitted event.

C. Whoever violates a provision of this Section shall be fined two hundred (\$200) dollars for a first offense, and not less than three hundred (\$300) dollars nor more than five hundred (\$500) dollars for second and subsequent offenses.

Section 14:103.2 Amplified devices in public places; quiet zones (Source: R.S. 14:103.2)

A. No person shall operate or play any sound producing device or sound amplification device in a public street, public park, or other public place in a manner likely to disturb, inconvenience, or annoy a person of ordinary sensibilities, if the sound produced is in excess of fifty-five (55) decibels as measured within ten (10) feet of the entrance to:

(1) Hospitals.

(2) Churches, synagogues, temples, or other houses of religious worship, while the building is occupied and services are being performed, provided that a sign is posted within ten (10) feet of the front door when services are being performed.

B. Whoever violates this Section shall be imprisoned for not more than thirty (30) days.

Section 14:103.3 Noise

A. It shall be unlawful for any person to make, continue, or cause to be made or continued

any unnecessary noise or any noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others.

B. The following acts are declared to be unnecessary noises or noises in violation of this Section, namely:

(1) Horns or signal devices. The sounding of any horn or signal device on any automobile, motorcycle, bus, street car or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any notice for any unreasonable period of time.

(2) Radio, phonograph, or any musical instrument. The playing of any radio, phonograph, or musical instrument in such a manner or with such volume, particularly between the hours of 11 P.M. and 7 A.M., as to annoy or disturb the quiet, comfort, or repose of persons of ordinary sensibilities in any office, hospital or in any dwelling, hotel, or other type of residence, or of any person in the immediate vicinity.

(3) Yelling, shouting, etc. Yelling, shouting, hooting, whistling, or singing on a public street, particularly between the hours of 11 P.M. and 7 A.M., or any time or place so as to annoy or disturb the quiet, comfort, or repose of persons of ordinary sensibilities in any hospital, dwelling, hotel, or other type of residence, or of any person in the immediate vicinity.

(4) Animals, birds, etc. The keeping of any animal, bird, or fowl which by causing frequent or long-continued noise shall disturb the comfort or repose of any person of ordinary sensibilities in the immediate vicinity.

(5) Defect in vehicle or load. The use of any automobile or other vehicle so out of repair or loaded in such manner as to create loud or unnecessary grating, grinding, rattling or other noise.

(6) Steam whistles. The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon the request of proper authorities.

(7) Exhausts. The discharge into the open air of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(8) Construction and repairing of buildings. The erection (including excavating), demolition, alteration, or repair of any building in any residential district or section or the excavation or repair of street, or highway in any residential district or section, other than between the hours of 7 A.M. and 6 P.M., on week days, except in case of urgent necessity, in the interest of public health and safety, and then only with a permit from the mayor, which permit may be granted for a period not to exceed

thirty (30) days while the emergency continues. If the mayor should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of a building or the excavation or repair of street, or highway between the hours of 6 P.M. and 7 A.M., and if it shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6 P.M. and 7 A.M. upon application being made at the time the permit for the work is awarded or during the progress of the work.

(9) Schools, courts, churches, hospitals. The creation of any excessive noise on any street adjacent to any school, institution of learning, church, or court while the same are in use or adjacent to any hospital, which unreasonably interferes with the working of such institution or which disturbs or unduly annoys patients in a hospital, provided the same is conspicuously identified as a school, hospital, or court.

(10) Loading, unloading. The creation of a loud and excessive noise in connection with loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and containers.

(11) Drums, loud speakers. The use of any drum, loud speaker, or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show, or sale or display of merchandise.

(12) Loud speakers on trucks. The use of a mechanical loud speaker or amplifier on a truck or other moving or standing vehicle for advertising or other purpose.

(13) Loud speakers for advertising. The use or operation, or the causing to be used or operated, in front of or outside of any building, place, or premises, or through any window, doorway, or opening of such building abutting upon the public street, or upon any public street any device or apparatus for tapping windows, or for amplifying sound from any radio or phonograph, or any sound reproducing device.

(14) Hawkers, peddlers and vendors. The shouting or crying of a peddler, hawker, or vendor which disturbs the peace and quiet of the neighborhood.

C. None of the terms or prohibitions in this Section shall apply to or be enforced against:

(1) Any publicly owned vehicle while engaged upon necessary public business.

(2) Any excavation or repair of a bridge, street, or highway by or on behalf of any public agency during the night, when the public welfare and convenience renders it impossible to perform such work during the day.

(3) The reasonable use of an amplifier or loud speaker in the course of a lawful public gathering.

(Former Section 7:141)

Section 14:104 Keeping a disorderly place (Source: R.S. 14:104)

It shall be unlawful for any person to commit keeping a disorderly place. Keeping a disorderly place is the intentional maintaining of a place to be used habitually for any illegal purpose.

Section 14:105 Letting a disorderly place (Source: R.S. 14:105)

It shall be unlawful for any person to commit letting a disorderly place. Letting a disorderly place is the granting of the right to use any premises knowing that they are to be used as a disorderly place, or allowing the continued use of the premises with such knowledge.

Section 14:106 Abandoning or discarding ice boxes or other air tight containers (Source: R.S. 14:324)

It shall be unlawful for any person, firm, or corporation to leave outside of any building or dwelling in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator, or any other container of any kind which has an airtight door or doors, or which may not be released for opening from the inside of said icebox, refrigerator, or container. It shall further be unlawful for any person, firm, or corporation, to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator, or any other container of any kind which is airtight and has a snap lock or other device thereon without first removing said snap lock or locks, or door or doors, from said icebox, refrigerators, or containers.

Section 14:106.2 Sexual acts prohibited in public; penalties (Source: R.S. 14:106.2)

A. It shall be unlawful for any person to engage in vaginal, anal, or oral sexual intercourse in any public place or place open to the public view for the purpose of gaining the attention of the public.

B. Whoever violates a provision of this Section shall be fined five hundred (\$500) dollars and imprisoned for not less than ten (10) days. At least ten (10) days of the sentence imposed shall be served without benefit of probation or suspension of sentence.

Section 14:107 Vagrancy (Source: R.S. 14:107)

The following persons shall be guilty of vagrancy:

- (1) Persons who live in houses of ill fame or who habitually associate with prostitutes; or
- (2) Able-bodied persons who beg or solicit alms, provided that this Section shall not apply to persons soliciting alms for bona fide religious, charitable, or eleemosynary organizations with the

authorization thereof; or

(3) Habitual gamblers or persons who for the most part maintain themselves by gambling;
or

(4) Able-bodied persons without lawful means of support who do not seek employment and take employment when it is available to them; or

(5) Able-bodied persons of the age of majority who obtain their support gratis from persons receiving old age pensions or from persons receiving welfare assistance from the state; or

(6) Prostitutes.

Whoever commits vagrancy shall be fined not more than two hundred (\$200) dollars, or imprisoned for not more than sixty (60) days, or both.

(Source: Former Section 7:135; Ordinance of October 1, 1974, Section 27)

Section 14:108 Resisting an officer (Source: R.S. 14:108)

A. It shall be unlawful for any person to commit resisting an officer. Resisting an officer is the intentional interference with, opposition or resistance to, or obstruction of an individual acting in his official capacity and authorized by law or ordinance to make a lawful arrest, lawful detention, or seizure of property or to serve any lawful process or court order when the offender knows or has reason to know that the person arresting, detaining, seizing property, or serving process is acting in his official capacity.

B.(1) The phrase "obstruction of" as used herein shall, in addition to its common meaning, signification, and connotation mean the following:

(a) Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest.

(b) Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he is incarcerated in jail.

(c) Refusal by the arrested or detained party to give his name and make his identity known to the arresting or detaining officer or providing false information regarding the identity of such party to the officer.

(d) Congregation with others on a public street and refusal to move on when ordered by the officer.

(2) The word "officer" as used herein shall include town police officers, deputy sheriffs,

probation and parole officers, state police officers, and wildlife enforcement agents.
(Former Section 7:250)

Section 14:108.1 Flight from an officer (Source: R.S. 14:108.1)

A. No driver of a motor vehicle shall intentionally refuse to bring a vehicle to a stop knowing that he has been given a visual and audible signal to stop by a police officer when the officer has reasonable grounds to believe that the driver has committed an offense. The signal shall be given by an emergency light and a siren on a vehicle marked as a police vehicle.

B. Whoever commits flight from an officer shall be fined not less than one hundred fifty (\$150) dollars, nor more than five hundred (\$500) dollars, or imprisoned for not more than sixty (60) days, or both.

Section 14:108.2 Interfering with a law enforcement investigation (Source: R.S. 14:329)

A. Interfering with a law enforcement investigation is the intentional interference or obstruction of a law enforcement officer conducting investigative work at the scene of a crime, a criminal offense under this Code, or the scene of an accident by refusing to move or leave the immediate scene of the crime or the accident when ordered to do so by the law enforcement officer when the offender has reasonable grounds to believe the officer is acting in the performance of his official duties.

B. For the purposes of this Section, "law enforcement officer" means any commissioned police officer, sheriff, deputy sheriff, marshal, deputy marshal, correctional officer, constable, wildlife enforcement agent, state park warden, livestock brand inspector, forestry officer, or probation and parole officer.

Section 14:109 Handbills, prohibitions, and regulations

A. Dropping handbills prohibited. It shall be unlawful for any person to deposit, place, throw, scatter, drop, or cast any handbill, poster, dodger, or advertising matter of any kind on any street, sidewalk, alley wharf, levee, or other public place, or in the yard of any private residence or other property.

B. Distribution on vacant premises prohibited. It shall be unlawful for any person to distribute any handbill, poster, dodger, or advertising matter of any kind in or upon any private residence which is temporarily or continuously uninhabited or vacant.

C. Distribution on inhabited private premises. It shall be unlawful for any person to distribute any handbill, poster, dodger, or advertising matter of any kind in or upon any private residence which is inhabited, except by handing or transmitting such matter directly to the occupant, or other person then present upon such premises, provided, however, that unless requested by anyone

upon such premises not to do so, a person distributing such matter may place or deposit it in or upon such premises, if placed or deposited so as to secure or prevent it from being blown or drifted about, except that mailboxes may be so used not when prohibited by federal postal laws or regulations.

D. Placing in vehicles prohibited. It shall be unlawful for any person to distribute, deposit, place, throw, scatter, drop, or cast any handbill, poster, dodger, or advertising matter of any kind in or upon any automobile or other vehicle. The provisions of this Section shall not be deemed to prohibit the handing, transmitting, or distributing of any such matter to the owner or other occupant of any automobile or other vehicle, who is willing to accept the same.

E. Names and addresses required. It shall be unlawful for any person to distribute, place, hand out, or circulate any handbill, poster, dodger, or advertising matter of any kind which does not contain the names and addresses of the following:

(1) The person who printed, wrote, compiled, or manufactured the same.

(2) The person who caused the same to be distributed; provided however, that in the case of a corporation, club, or other fictitious name, the true names and addresses of the owners, managers, or agents of the person sponsoring such matter shall also appear thereon.

F. Attachment to poles or other object prohibited. It shall be unlawful for any person to past, post, nail, or attach in any other manner any handbill, dodger, sign, card, placard, or advertisement of any kind, business or political, to any pole, post, or object on any public street, alley, sidewalk, or other public way.

G. Agents, employees, or servants. Whenever Subsections (A), (B), (C), (D), (E), or (F) of this Section shall be violated by any person through an agent, employee, or servant, both the employer and the agent, employee, or servant shall be guilty of the offense.
(Former Section 7:310)

Section 14:110 Interference with medical treatment (Source: R.S. 14:332)

A. Interference with medical treatment is the intentional and willful interference with a physician, physician's trained assistant, nurse, nurse's aide, paramedic, emergency medical technician, or other medical or hospital personnel in the performance of their duties relating to the care and treatment of patients in any hospital, clinic or other medical facility, or at the scene of a medical emergency.

B. Whoever violates this Section shall be fined not less than one hundred (\$100) dollars or more than two hundred and fifty (\$250) dollars upon conviction of a first offense, and not less than two hundred fifty (\$250) dollars or more than five hundred (\$500) dollars or ten (10) days in jail, or both, upon conviction of any subsequent offense.

Section 14:111 (Blank)

Section 14:112 False personation (Source: R.S. 14:112)

A. False personation is the performance of any of the following acts with the intent to injure or defraud, or to obtain or secure any special privilege or advantage:

(1) Impersonating any public officer, or private individual having special authority by law to perform an act affecting the rights or interests of another, or the assuming, without authority, of any uniform or badge by which such officer or person is lawfully distinguished; or

(2) Performing any act purporting to be official in such assumed character.

B. Whoever commits false personation shall be fined not more than one hundred (\$100) dollars, or imprisoned for not more than sixty (60) days, or both.
(Former Section 7:200)

Section 14:113 Indecent exposure

It shall be unlawful and is hereby expressly prohibited for any person to behave in any indecent exposure of their person.
(Former Section 7:132).

Section 14:114 Drunkenness in public prohibited

It shall be unlawful for any person to sit, lounge, or lie upon the sidewalks, streets, or in any public building or place while intoxicated; or lounge, lie, or sleep in a parked automobile or other motor vehicle.
(Former Section 7:133)

Section 14:115 Drinking intoxicating liquors in public prohibited

It shall unlawful for alcoholic beverages or drinks to be consumed or drunk openly or publicly on the sidewalks, streets, public buildings, or in places while a public assembly is being held.
(Former Section 7:134)

PART X. OFFENSES AFFECTING ORGANIZED GOVERNMENT

Section 14:116 Flag desecration (Source: R.S. 14:116)

A. Flag desecration is the act of any person who shall intentionally, in any manner, for exhibition or display:

(1) Place or cause to be placed any word, mark, design or advertisement of any nature upon any flag; or

(2) Expose to public view any flag, upon which has been printed or otherwise produced, or to which shall have been attached any such word, mark, design, or advertisement; or

(3) Expose to public view, or have in possession for sale or any other purpose, any article of merchandise, or thing for holding or carrying merchandise, upon or to which shall have been produced or attached any flag, in order to advertise, call attention or to decorate such article; or

(4) Publicly mutilate, defile, or by word or act cast contempt upon any flag.

B. The word "flag" as used herein shall mean any duly authorized flag, shield, standard, color, or ensign of the United States, the state, or the Confederate States of America, or any copy thereof.

C. Whoever commits flag desecration shall be fined not more than one hundred (\$100) dollars, or imprisoned for not more than sixty (60) days, or both.

Section 14:117 Flag desecration; exceptions (Source: R.S. 14:117)

The flag desecration Section shall not apply to any act permitted by federal or state law, or other ordinance, or by the United States army and navy regulations; nor shall it apply to the depicting of a flag upon any document, stationery, ornament, picture, or jewelry, with no design or word thereon and disconnected with any advertisement.

Section 14:117.1 Paramilitary organizations; prohibitions (Source: R.S. 14:117.1)

A. It shall be unlawful for any paramilitary organization, or any member thereof, to train.

B.(1) For the purposes of this Section, "paramilitary organization" shall mean a group organized in a military or paramilitary structure, consisting of two or more persons who knowingly possess firearms or other weapons and who train in the use of such firearms or weapons, or knowingly teach or offer to teach the use of such firearms or weapons to others, for the purpose of committing an offense under state law or town ordinance.

(2) It shall not include a law enforcement agency, the armed services or reserve forces of the United States, the Louisiana National Guard, or any other organization that may possess firearms and train with such firearms, or teach or offer to teach the use of such firearms to others, for a lawful purpose.

Section 14:118 Gunshot wounds; mandatory reporting (Source: R.S. 14:403.5)

A. In every case of a gunshot wound or injury presented for treatment to a medical professional, practitioner, or associated personnel, that professional, practitioner, or associated personnel shall make an oral notification to the chief of police immediately after complying with all applicable state and federal laws, rules, and regulations related to the treatment of emergencies and before the wounded person is released. A written notation of this action shall be made on the emergency record.

B. Any person who fails to file a report, or who knowingly files a false report, under this Section shall be fined not more than five hundred (\$500) dollars or imprisoned for not more than sixty (60) days, or both.

C. This Section shall not apply to any wounds or injuries received from the firing of an air gun.

Sections 14:119-122 (Blank)

Section 14:122.2 Threatening a public officer; penalties; definitions (Source: R.S. 14:122.2)

It shall be unlawful for any person to commit threatening a public officer. Threatening a public officer is engaging in any verbal or written communication which threatens serious bodily injury or death to a public official.

Section 14:123 Contempt of court

A. It shall be unlawful for any person to be in contempt of court. Contempt of court is an act or omission tending to obstruct or interfere with the orderly administration of justice, or to impair the dignity of the mayor's court or respect for its authority. Contempts of court are of two kinds, direct and constructive.

B. A direct contempt of court is one committed in the immediate view and presence of the court and of which it has personal knowledge. A direct contempt of court includes, but is not limited to, any of the following acts:

(1) Contumacious failure, after notice, to appear for arraignment or trial on the day fixed therefor.

(2) Contumacious failure to comply with a subpoena or summons to appear in court, proof of service of which appears of record.

(3) Refusal to take the oath or affirmation as a witness, or refusal of a witness to answer a nonincriminating question when ordered to do so by the court.

(4) Contumacious, insolent, or disorderly behavior toward the judge or an attorney or other

officer of the court, tending to interrupt or interfere with the business of the court or to impair its dignity or respect for its authority.

(5) Breach of the peace, boisterous conduct, or violent disturbance tending to interrupt or interfere with the business of the court or to impair its dignity or respect for its authority.

(6) Use of insulting, abusive, or discourteous language by an attorney or other person in open court, or in a document filed with the court in irrelevant criticism of another attorney or of a judge or officer of the court.

(7) Violation of a rule of the court adopted to maintain order and decorum in the court room.

C. A person who has committed a direct contempt of court may be found guilty and punished therefor by the court without any trial, after affording him an opportunity to be heard orally by way of defense or mitigation. The court shall render an order reciting the facts constituting the contempt, adjudging the person guilty thereof, and specifying the punishment imposed.

D. A constructive contempt of court is any contempt other than a direct one. A constructive contempt includes, but is not limited to any of the following acts:

(1) Willful neglect or violation of duty by the clerk, marshal, or other person elected, appointed, or employed to assist the court in the administration of justice.

(2) Willful disobedience of any lawful judgment, order, mandate, writ, or process of court.

(3) Removal or attempted removal of any person or of property in the custody of an officer acting under the authority of a judgment, order, mandate, writ, or process of the court.

(4) Unlawful detention of a witness, the defendant or his attorney, or the prosecutor, while going to, remaining at, or returning from the court.

(5) Assuming to act as an attorney or other officer of the court, without lawful authority.

E. (1) When a person is charged with committing a constructive contempt, he shall be tried by the judge on a rule to show cause alleging the facts constituting the contempt. The rule may be issued by the court on its own motion, or on motion of the prosecutor.

(2) A certified copy of the motion and of the rule shall be served on the person charged, in the manner of a subpoena, not less than forty-eight (48) hours prior to the time assigned for trial of the rule.

(3) If the person charged with contempt is found guilty, the court shall render an order reciting the facts constituting the contempt, adjudging the person charged with the contempt guilty

thereof, and specifying the punishment imposed.

F. Penalties for contempt.

(1) A person adjudged guilty of contempt of court shall be subject to a fine or not more than five hundred (\$500) dollars, or by imprisonment for not more than sixty (60) days, or both.

(2) When an attorney is adjudged guilty of a direct contempt of court, the punishment shall be limited to a fine of not more than one hundred (\$100) dollars, or imprisonment for not more than twenty-four (24) hours, or both; and, for any subsequent direct contempt of the same court by the same offender, a fine of not more than two hundred (\$200) dollars, or imprisonment for not more than ten (10) days, or both.

(3) When a contempt of court consists of the omission to perform an act which is yet in the power of the person charged with contempt to perform, he may be imprisoned until he performs it, and in such a case this shall be specified in the court's order.

Section 14:124 False testimony

It shall be unlawful for any person to give false testimony or evidence in proceedings before the mayor's court.

Section 14:125 False swearing (Source: R.S. 14:125)

It shall be unlawful for any person to commit false swearing. False swearing is the intentional making of a written or oral statement, known to be false, under sanction of an oath or an equivalent affirmation, where such oath or affirmation is required by law or ordinance. However, this Section shall not apply where such false statement is made in, or for use in, a judicial proceeding or any proceeding before a board or official, wherein such board or official is authorized to take testimony.

Section 14:126 Inconsistent statements; false swearing (Source: R.S. 14:126)

It shall constitute false swearing whenever any person, having made a statement under sanction of an oath, or an equivalent affirmation, required by law or ordinance, shall thereafter swear or affirm in a manner materially contradictory of or inconsistent with his former sworn or affirmed statement. It shall not be necessary for the prosecution, in such case, to show which of the contradictory or inconsistent statements was false; but it shall be an affirmative defense that at the time he made them, the accused honestly believed both statements to be true.

Section 14:127 Limitation of defenses (Source: R.S. 14:127)

It is no defense to a prosecution for false swearing:

- (1) That the oath, or affirmation, was administered or taken in an irregular manner; or
- (2) That the accused was not competent to give the testimony, deposition, affidavit or certificate of which falsehood is alleged; or
- (3) That the accused did not know the materiality of the false statement made by him, or that it did not in fact affect the proceeding in or for which it was made.

Section 14:128 Completion of affidavit (Source: R.S. 14:128)

The making of a deposition, affidavit, or certificate is deemed to be complete, within the provisions of this Chapter, from the time when it is delivered by the accused to any other person, with intent that it be uttered or published as true.

Sections 14:129-133 (Blank)

Section 14:133.1 Obstruction of court orders (Source: R.S. 14:133.1)

It shall be unlawful for any person by threats or force, or to wilfully prevent, obstruct, impede, or interfere with, or to wilfully attempt to prevent, obstruct, impede, or interfere with, the due exercise of rights or the performance of duties under any order, judgment, or decree of the mayor's court.

Section 14:133.2 Misrepresentation during booking (Source: R.S. 14:133.2)

A. Misrepresentation during booking is the misrepresentation of, or refusal by a person being booked to provide his name, age, sex, residence, or social security number to any law enforcement officer or official who is booking him pursuant to a lawful arrest, or the refusal of such person to submit to fingerprinting or photographing.

B. Whoever commits misrepresentation during booking shall be imprisoned for not more than sixty (60) days, provided that any such sentence shall be made to run concurrently with any other sentence.

Section 14:133.4 Misrepresentation during issuance of a summons (Source: R.S. 14:133.4)

Misrepresentation during issuance of a summons is the giving of false information to any law enforcement officer preparing such document, by a person being issued a summons and is unlawful.

Section 14:133.5 Filing a false complaint against a law enforcement officer (Source: R.S. 14:133.5)

A. Filing a false complaint against a law enforcement officer is knowingly filing, by affidavit under oath, a false statement or false representation with a law enforcement agency regarding the

conduct, job performance, or behavior of a law enforcement officer for the purpose of initiating an administrative action against that law enforcement officer.

B. For the purposes of this Section, "law enforcement officer" shall include commissioned police officers, state troopers, sheriffs, deputy sheriffs, marshals, deputy marshals, correctional officers, constables, wildlife enforcement agents, and probation and parole officers.

C. Whoever commits the crime of filing false statements against law enforcement officers shall be fined not more than five hundred (\$500) dollars or imprisoned not more than sixty (60) days, or both.

Section 14:134 Wrongful use of public property (Source: R.S. 14:329.4 et seq.)

A. The wrongful use of public property shall be unlawful. Wrongful use of public property shall include the following:

(1) The intentional entering of or onto any public property without the permission of the lawful custodian thereof, or his designated representative, at any time when the public property is not open to the public and the remaining in or occupying of any public property after having been requested to leave by the lawful custodian thereof, or his designated representative, or any law enforcement or peace officer.

(2) The depriving of the general public of the intended use of public property without a permit.

(3) No serious bodily injury or death or property damage in excess of five thousand (\$5,000) dollars results therefrom.

B. The lawful custodian, or his designated representative, may issue a permit if he determines that the use or occupation of the public property will not reasonably interfere with the intended or customary use of the public property by the general public and that the intended use will not destroy or damage the public property. The permit to occupy or use the public property may be obtained upon written application therefor. The application shall (1) describe the public property sought to be occupied or used, and (2) state the period of time during which the public property will be occupied or used.

C. As used in this section, "public property" means any public land, building, facility, structure, or enclosure used for a public purpose or as a place of public gathering, owned and/or under the control of the town or one of its agencies or political subdivisions.

D. Nothing contained in this Section shall apply to a bona fide legitimate labor organization or to any of its legal activities such as lawful picketing, lawful assembly, or concerted activity in the interest of its members for the purpose of accomplishing or securing more favorable wage standards,

hours of employment or working conditions.

Section 14:135-140 Reserved

PART XI. TRANSACTIONS IN DRUG RELATED OBJECTS

Section 14:141 Definitions (Source: R.S. 40:1021)

A. As used in this Part, unless the context clearly otherwise indicates, the term "drug paraphernalia" shall mean and include, but not be limited to:

(1) All equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of the Uniform Controlled Dangerous Substances Law, as scheduled in R.S. 40:964.

(2) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing, or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived.

(3) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances.

(4) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance.

(5) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness, or purity of controlled substances.

(6) Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose, and lactose, used, intended for use, or designed for use in cutting controlled substances.

(7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana.

(8) Blenders, bowls, containers, spoons, and mixing devices used, intended for use, or designed for use in compounding controlled substances.

(9) Capsules, balloons, envelopes, and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances.

(10) Containers and other objects used, intended for use, or designed for use in storing or concealing controlled substances.

(11) Hypodermic syringes, needles, and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body.

(12) Objects used, intended for use, or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the human body, such as:

(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls.

(b) Water pipes.

(c) Carburetion tubes and devices.

(d) Smoking and carburetion masks.

(e) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand.

(f) Miniature cocaine spoons, and cocaine vials.

(g) Chamber pipes.

(h) Carburetor pipes.

(i) Electric pipes.

(j) Air-driven pipes.

(k) Chillums.

(l) Bongs.

(m) Ice pipes or chillers.

(Ordinance adopted January 13, 1998)

Section 14:142 Determination of drug paraphernalia (Source: R.S. 40:1022)

In determining whether an object is drug paraphernalia, a court or other authority shall consider, in addition to all other legally relevant factors, the following:

- (1) Statements by an owner or by anyone in control of the object concerning its use.
 - (2) The proximity of the object, in time and space, to a direct violation of the Uniform Controlled Dangerous Substances Law.
 - (3) The proximity of the object to controlled substances.
 - (4) The existence of any residue of controlled substances on the object.
 - (5) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows or should reasonably know intend to use the object to facilitate a violation of the Uniform Controlled Dangerous Substances Law; the innocence of an owner, or of anyone in control of the object, as to a direct violation of the Uniform Controlled Dangerous Substances Law shall not prevent a finding that the object is intended for use or designed for use as drug paraphernalia.
 - (6) Instructions, oral or written, provided with the object concerning its use.
 - (7) Descriptive materials accompanying the object which explain or depict its use.
 - (8) National and local advertising concerning its use.
 - (9) The manner in which the object is displayed for sale.
 - (10) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise.
 - (11) The existence and scope of legitimate use for the object in the community.
 - (12) Expert testimony concerning its use.
- (Ordinance adopted January 13, 1998)

Section 14:143 Prohibited acts (Source: R.S. 40:1023)

A. It is unlawful for any person or corporation, knowing, or under circumstances where one reasonably should know, to sell, lend, rent, lease, give, exchange, or otherwise distribute to any person any drug paraphernalia.

B. It is unlawful for any person or corporation, knowing, or under circumstances where one reasonably should know, to display for sale or possess with the intent to distribute, any drug paraphernalia.

C. It is unlawful for any person to use, or to possess with intent to use, any drug

paraphernalia, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this Part.
(Ordinance adopted January 13, 1998)

Section 14:144 Prohibited acts; unmarried persons under seventeen years of age (Source: R.S. 40:1023.1)

A. It is unlawful for any person, corporation, or association to sell, lend, rent, lease, give, exchange, exhibit, display, or distribute to any unmarried person under the age of seventeen (17) any drug paraphernalia.

B. The unlawful sale, loan, rent, lease, gift, exchange, exhibition, display, or distribution of drug paraphernalia to any unmarried person under the age of seventeen (17) is the intentional sale, loan, rent, lease, gift, exchange, exhibition, display, or distribution of drug paraphernalia to any unmarried person under the age of seventeen (17) years, at any newsstand, record store, tape store or any other commercial establishment which is open to persons under the age of seventeen (17) years.

C. It shall be unlawful to invite or permit any unmarried person under the age of seventeen (17) to be in any commercial establishment that exhibits or displays any item, material, work, or object of any kind that is defined as drug paraphernalia pursuant to this Part.

D. Lack of knowledge of age or marital status shall not constitute a defense, unless the defendant shows that he had reasonable cause to believe that the minor involved was either married or seventeen (17) years of age or more and that the minor exhibited to the defendant a draft card, driver's license, birth certificate, or other official or apparently official document purporting to establish that such person was either married or seventeen (17) years of age or more.
(Ordinance adopted January 13, 1998)

Section 14:145 Exceptions; defenses (Source: R.S. 40:1024)

A. Any provision of law to the contrary herein notwithstanding, the provisions of this Part shall not apply to the manufacture, sale, distribution, or advertisement of any product or object designed and sold primarily for scientific research, industrial, veterinary, or agricultural purposes, or for bona fide medical or clinical use.

B. It shall be an affirmative defense that the person to whom the drug related object or advertisement or notice was distributed had a prescription from a licensed medical practitioner or psychiatrist for marijuana or the controlled substance for which the object is primarily intended to be used. It is also an affirmative defense that the drug related object was designed or marketed as useful primarily for veterinary or agricultural purposes.
(Ordinance adopted January 13, 1998)

Section 14:146 Penalty (Source: R.S. 40:1025)

The violation of or failure to comply with any provision of this Part shall subject the offender to a fine not in excess of five hundred (\$500) dollars, or imprisonment of not more than sixty (60) days, or both.

(Ordinance adopted January 13, 1998)

Section 14:147 Contraband; condemnation proceedings (Source: R.S. 40:1026)

All instruments, devices, and objects which are seized after the effective date of this Section, on condemnation as being distributed or possessed in violation of this Part, may be destroyed by the authorities making the seizure, but only after compliance with the following procedure. Within ninety (90) days after any seizure is made after the effective date of this Section, the town attorney shall institute condemnation proceedings in district court by petition, a copy of which shall be served upon the owner of the seized items, if known. If the owner is unknown, notice of the proceedings shall be published once a week for two (2) weeks in the official journal of the town. The petition shall allege that the seized items were distributed or possessed in violation of this Part. Fifteen (15) days after the filing of the petition, judgment by default shall be entered by the court, and the court shall order the seized items to be destroyed. Otherwise, the case shall proceed as other civil cases in said court. If the prosecution proves, by a preponderance of the evidence, that the seized items were distributed or possessed in violation of the law, the court shall order the seized items to be destroyed.

(Ordinance adopted January 13, 1998)

Section 14:148 Possession of marijuana (Source: R.S. 40:966(C) and (E)(1))

It is unlawful for any person knowingly or intentionally to possess marijuana, tetrahydrocannabinol, or chemical derivatives thereof.

(Ordinance adopted January 13, 1998)

CHAPTER 15

LIQUOR AND ALCOHOLIC BEVERAGES

Section 15:1	Operation without permit prohibited
Section 15:2	Application for permit
Section 15:3	Submission of application
Section 15:4	Qualification of applicants
Section 15:5	Facilities and business required; location of business limited
Section 15:6	Renewal of permit
Section 15:7	Permit fees
Section 15:8	Suspension and revocation
Section 15:9	Permits to be person to person to whom issued
Section 15:10	Separate alcoholic beverage permits required for separate locations
Section 15:11	Change in location of permitted alcoholic beverage operation
Section 15:12	Serving outside of premises prohibited
Section 15:13	Penalty

Section 15:1 Operation without permit prohibited

No person shall operate as a dealer in high or low alcoholic beverages as defined in R.S. 26:2 and R.S. 26:241, respectively, unless he has first applied for and received a permit from the town as required by this Chapter. Each day's conduct of business by the dealer without a valid permit therefor constitutes a separate violation of this Chapter.

(Former Section 15:1)

Section 15:2 Application for permit

All applications shall be in writing, sworn to, and shall contain the full name and correct home address of the applicant and an accurate description and address of the business premises; and the application shall include an affidavit of the applicant that he meets the qualifications and conditions of R.S. 26:80 and 280. Unless he is seeking a renewal of his permit, an applicant for a retail dealer's permit shall attach to his application a certificate of publication by the publisher of the newspaper showing the publication of the notice required in R.S. 26:77 and 277.

(Former Section 15:5)

Section 15.3 Submission of application

A. All applications must be mailed or delivered to the mayor within twenty-four (24) hours of the application for a state permit; and if the applicant fails to do so, his application may be withheld and the permit denied. The mayor may issue permits immediately after proper investigation; but for a period of thirty-five (35) days after receipt of the application, the permittees

shall operate on a probationary basis subject to final action by the board in opposition to, or withholding of, the permits.

B. Notwithstanding any contrary provision of Subsection A, a new permit shall be issued by the mayor only after final approval of the board.
(Former Section 15:5)

Section 15.4 Qualification of applicants

A. Applications for permits under this Chapter shall meet the qualifications and conditions required of applicants for state permits as outlined in R.S. 26:80 and 280.

B. No wholesale permit shall be issued or held after issuance by any person unless at all times throughout the licensed year he meets standards set forth in R.S. 26:82 for wholesale dealers.

C. Persons engaged primarily in the sale, handling, distribution, and storage of alcoholic beverages which are ultimately delivered or transported beyond the borders of the state are exempt from complying with the standards above set forth.
(Former Section 15:6)

Section 15.5 Facilities and business required; location of business limited

A. No permit shall be issued by the town to any applicant for the sale, handling, or distribution of any alcoholic beverage under this Chapter for any premises situated within three hundred (300') feet from of a public playground or of a building used exclusively as a church or synagogue, public library, school, full-time day care center as defined in R.S. 17:405(A)(4), or a correctional facility housing inmates, including but not limited to a halfway house. When there are subdivisions with streets, blocks, sidewalks, etc., this distance shall be measured from the nearest point of the property line with the church, synagogue, library, playground, correctional facility, or school to the nearest point of the property line of the premises to be licensed. In undeveloped areas of the town, the distance shall be measured in straight lines from the nearest point of the respective premises.

B. The prohibition in this Section shall not apply to:

(1) Any premises maintained as a bona fide hotel or fraternal organization.

(2) Any premises which has been licensed to deal alcoholic beverages for a period of one year or longer prior to November 4, 1969.

(3) Any premises which is a licensed drug store or to registered pharmacists who are permitted by state law to sell alcoholic beverages by prescription only, either of high or low alcoholic content.

C. For the purposes of this Section, "public library" shall mean a public library which is located in a permanent structure and is open to the public for three or more days per week.
(Former Section 15:7)

Section 15:6 Renewal of permit

A. Persons holding permits as dealers in beverages of high alcoholic content shall file an application for renewal thereof and pay the permit fees within twenty four (24) hours of the date set for application for a state permit renewal. If a dealer fails to file the application and pay the permit fee by that date, there shall be added to the fee, in addition to other penalties provided by state law, a delinquency penalty of five (5%) percent for each additional thirty (30) days or fraction thereof during which the failure continues.

B. Persons holding permits as dealer in beverages of low alcoholic content shall file applications for renewal thereof for the ensuing year within twenty-four (24) hours of the date set for application for a state permit renewal. Anyone filing his renewal application after that date shall be charged a delinquency penalty of twenty-five (25%) percent over and above the regular fee.

C. A renewal permit may be withheld or denied on the same ground and in the same manner as an original permit.

D. If a person holding a permit under this Section becomes more than ten (10) days delinquent in the payment of the applicable fee, he shall be notified that if the fee is not paid nor permit renewed within three (3) working days of the notice date, he shall be ordered to closed the licensed premises.

E. If a person holding a permit is delinquent in making a quarterly payment more than one time, he shall be required to obtain a permit for the entire year.
(Former Section 15:5)

Section 15:7 Permit fees

A. The annual permit fee schedule is hereby established:

(1) Any person, firm, or corporation applying for such permit to sell beer only not to be served or consumed on the premises, shall pay the town the sum of sixty (\$60) dollars.

(2) Any person, firm, or corporation applying for such permit to sell beer, whether consumed on the premises or not, shall pay to the town the sum of seventy-five (\$75) dollars.

(3) Any person, firm, or corporation applying for such permit to sell beer or wine not to be served or consumed on the premises shall pay to the town the sum of three hundred (\$300) dollars.

(4) Any person, firm, or corporation applying for such permit to sell any and all liquors or beverages of any alcoholic content, whether consumed on the premises or not, whether in package or not, shall pay the town the sum of five hundred (\$500) dollars.

B. The fees referred to above in Paragraphs (A)(1), (2), and (3) shall be pro-rated quarterly for new applicants for the above licenses.
(Former Section 15:2; Ordinance adopted March 12, 1996)

Section 15:8 Suspension and revocation

A. The board may suspend or revoke permits issued to retail dealers in beverages of high alcoholic content for causes set forth in R.S. 26:90 and 91 and may suspend or revoke permits issued to retail dealers in beverages of low alcoholic content for causes set forth in R.S. 26:286 and 287.

B. Before any permit is suspended or revoked, the holder shall be entitled to a hearing before the board, and the hearing and notice of that hearing shall comply with the requirements of R.S. 33:4787; and the holder of the permit shall likewise be entitled to appeal to the district court pursuant to R.S. 33:4788.
(Former Sections 15:9, 15:13, 15:14, 15:30, 15:31, 15:32, and 15:33)

Section 15:9 Permits to be person to person to whom issued

All permits issued shall be personal to the person to whom issued and shall not be transferable.
(Former Section 15:10)

Section 15:10 Separate alcoholic beverage permits required for separate locations

Separate permits shall be required for each and every place where high or low alcoholic beverages are sold, either at wholesale or retail.
(Former Section 15:11)

Section 15:11 Change in location of permitted alcoholic beverage operation

The sale, either wholesale or retail, where authorized, of high or low alcoholic beverages shall be conducted only in the place of business specified and designated in the application for and the permit issued, and no change of such place of business shall be allowed except after written application to and with the approval and consent of the board of aldermen who may approve or deny the change.
(Former Section 15:12)

Section 15:12 Serving outside of premises prohibited

It shall be unlawful for any firm, person, or corporation to serve high or low alcoholic beverages outside of the place or premises for which a permit is granted pursuant to this Chapter.
(Former Section 15:12)

Section 15:14 Penalty

Any person who violates this Chapter shall be fined not more than two hundred (\$200) dollars, sentenced to not more than thirty (30) days in jail, or both.
(Former Section 15:29)

CHAPTER 16

MISCELLANEOUS PROVISIONS

Sub-Chapter A	Trees
Section 16:1	Definitions
Section 16:2	Creation and establishment of a Town Tree Board
Section 16:3	Term of office
Section 16:4	Compensation
Section 16:5	Duties and responsibilities
Section 16:6	Operation
Section 16:7	Street tree species to be planted
Section 16:8	Spacing
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Section 16:11	Utilities
Section 16:12	Public tree care
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Section 16:14	Pruning, corner clearance
Section 16:15	Interference with Town Tree Board
Section 16:16	Arborists license and bond
Section 16:17	Review by board of aldermen
Section 16:18	Penalty
Sub-Chapter B	Smoking in Town Buildings and Facilities
Section 16:21	Smoking prohibited
Sub-Chapter C	Community Center
Section 16:21	Community center; use and fees

Sub-Chapter A Trees

Section 16:1 Definitions

(1) "Park trees" are trees, shrubs, bushes, and all other woody vegetation in public parks having individual names, and all areas owed by the town, or to which they public has free access as a park.

(2) "Street trees" are trees, shrubs, bushes, and all other woody vegetation on land lying

between property lines on either side of all streets, avenues, or ways.
(Ordinance adopted May 16, 1994)

Section 16:2 Creation and establishment of a Town Tree Board

There is hereby created and established a Town Tree Board for the town which shall consist of five (5) members, citizens and residents of this town, who shall be appointed by the mayor with the approval of the board of aldermen.
(Ordinance adopted May 16, 1994)

Section 16:3 Term of office

The term of five (5) persons to be appointed by the mayor shall be three (3) years except that the term of the two (2) of the members appointed to the first board shall be for only one year and the term of two (2) members of the first board shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term.
(Ordinance adopted May 16, 1994)

Section 16:4 Compensation

Members of the board shall serve without compensation.
(Ordinance adopted May 16, 1994)

Section 16:5 Duties and responsibilities

A. The board shall study, investigate, counsel, and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the board of aldermen and upon their acceptance and approval shall constitute the official comprehensive town tree plan.

B. When requested by the board of aldermen, the board shall consider, investigate, make finding, report, and recommend upon any special matter or question coming within the scope of its work.
(Ordinance adopted May 16, 1994)

Section 16:6 Operation

A. The board shall choose its own officers, make its own rules and regulations, to be approved by the board of aldermen, and keep a journal of its proceedings.

B. A majority of the members shall be a quorum for transaction of business.

(Ordinance adopted May 16, 1994)

Section 16:7 Street tree species to be planted

The following list constitutes the official street tree species for the town. No species other than those included in this list may be planted as street trees without written permission of the Town Tree Board.

Under twenty feet approximately	Approximately twenty to forty feet tall	Over forty feet tall
Small trees	Medium trees	Large trees
Southern Carbapple	River Birch	Baldcypress
Parsely Hawthorne	Chinese Elm	Live Oak
Cassine or Dahoon Holly	Black Gum	Nuttall Oak
Oriental Magnolia	Swamp Red Maple	Willow Oak
Sweetbay Magnolia	Bradford Pear	Sweetgum
Crape Myrtle		S. Magnolia
Yapon		Green Ash
Mayhaw		Sycamore
Wax Myrtle		Yellow Poplar
Deciduous Holly		Winged Elm
Mexican Plum		
Blackhaw Viburnum		

(Ordinance adopted May 16, 1994)

Section 16:8 Spacing

The spacing of street trees will be in accordance with the three (3) species size classes listed in Section 16:7, and no trees may be planted closer together than the following: small trees - twenty (20') feet; medium trees - thirty (30') feet; and large trees - fifty (50') feet.

(Ordinance adopted May 16, 1994)

Section 16:9 Distance from curb and sidewalk

The distance trees may be planted from curbs or curblines and sidewalks will be in accordance with the three species size classes listed in Section 16:7, and no trees may be planted closer to the curb or sidewalk than the following: small trees - two (2') feet; medium trees - three (3') feet; and large trees - four (4') feet.

(Ordinance adopted May 16, 1994)

Section 16:10 Distance from street corners and improvements

No street tree shall be planted closer than twenty (20') feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted closer than ten (10') feet of any fireplug, driveway, utility pole, and street light.
(Ordinance adopted May 16, 1994)

Section 16:11 Utilities

No street trees other than those species listed as small trees in Section 16:7 may be planted under or within ten (10') lateral feet of any overhead utility wire, or within five (5') lateral feet of any underground water line, sewer line, transmission line, or other utility.
(Ordinance adopted May 16, 1994)

Section 16:12 Public tree care

The town shall have the right to plant, prune, maintain and remove trees, plants, and shrubs, within the rights-of-way of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to insure public safety or to increase the environmental, economic, and social benefits provided by community trees. Public tree care and tree planting will be performed in accordance with standard arboricultural practices as recommended by the International Society of Arboriculture or the National Arborist Association.
(Ordinance adopted May 16, 1994)

Section 16:13 Tree topping

It shall be unlawful as a normal practice for any person, firm, or town department to top any street tree, park tree, or other tree on public property. "Topping" is the severe cutting back of limbs to stubs larger than three (3") inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Section with prior approval of the Town Tree Board and the mayor.
(Ordinance adopted May 16, 1994)

Section 16:14 Pruning, corner clearance

Every owner of any tree overhanging any street or right-of-way within the town shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of eight (8') feet above the surface of the street or right-of-way. Said owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs, or hedges, bushes or shrubs which constitute a menace to the safety of the public. The town shall have the right to prune any tree, hedge, bush, or shrub on private property when it interferes with the proper spread of light along the street from a street light, or interferes with

visibility of any traffic control device or sign.
(Ordinance adopted May 16, 1994)

Section 16:15 Interference with Town Tree Board

It shall unlawful for any person to prevent, delay, or interfere with the Town Tree Board, or any of his agents, or servants, while engaging in and about the planting, cultivating, mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized herein.

(Ordinance adopted May 16, 1994)

Section 16:16 Arborists license and bond

It shall be unlawful for any person or firm to engage in the business or occupation of trimming, pruning, treating, or removing street or park trees without first applying for and procuring a license. The license fee shall be twenty-five (\$25) dollars annually in advance; provided, however, that no licenses shall be required of any public service company or town employee or town contractor doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of twenty thousand (\$20,000) dollars for bodily injury and ten thousand (\$10,000) dollars property damage indemnifying the town or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

(Ordinance adopted May 16, 1994)

Section 16:17 Review by board of aldermen

The board of aldermen shall have the right to review the conduct, acts, and decisions of the Town Tree Board. Any person may appeal from any ruling or order of the Town Tree Board to the board of aldermen which may hear the matter and make final decision.

(Ordinance adopted May 16, 1994)

Section 16:18 Penalty

Any person violating any provision of this Sub-Chapter shall be, upon conviction or a plea of guilty, subject to a fine of not to exceed two hundred (\$200) dollars.

(Ordinance adopted May 16, 1994)

Sub-Chapter B Smoking in Town Buildings and Facilities

Section 16:21 Smoking prohibited

A. The following words and phrases have the meanings ascribed to them in this Section:

(1) "Town building or facility" means and includes every building or facility owned, leased, or otherwise occupied by the town.

(2) "Smoke" or "smoking" means and includes the carrying of a lighted cigar, cigarette, pipe, or any other form of tobacco or the inhaling of and exhaling of smoke by a person from any form of lighted tobacco.

B. Smoking is prohibited in every town building or facility. No-smoking signs shall be conspicuously posted in every town building and facility by the department head or other person having control of such building or facility.

C. Any person who violates this Section shall be subject to a fine of not more than fifty (\$50) dollars.

(Ordinance adopted August 24, 1993; Ordinance adopted April 20, 2004)

Sub-Chapter C Community Center

Section 16:21 Community center; use and fees

The use of the community center and the fees applicable for such use shall be established and maintained by board and the mayor.

CHAPTER 17

MOTOR VEHICLES AND TRAFFIC

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Section 17:6	Unlawful operation of motor vehicle by persons under the age of seventeen (17)
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Section 17:102	Seized vehicles; impounding and detention of vehicles illegally parked
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Sub-Chapter A Traffic Regulations, In General

Section 17:1 Adoption of Highway Regulatory Act

Pursuant to the authority granted by R.S. Title 32:41(C), the provisions of R.S. Title 32, Chapter 1, commonly referred to as the "Highway Regulatory Act", as amended, and all regulations of the state Department of Transportation and Development and the secretary of the Department of Public Safety and Corrections adopted pursuant thereto, which govern the operation of motor vehicles, traffic, and streets, are hereby adopted and made applicable to the operation of motor vehicles, traffic, and streets within the town, except as such are in conflict or inconsistent with this Code and except such as by their nature can have inapplicable.
(Former Section 17:1)

Section 17:2 Duty of operators to comply with Highway Regulatory Act; requirements for vehicles; driver's license required

A. It shall be the duty of person owning, operating, or having in charge or under their control or custody any vehicle including a bicycle or motorcycle, upon the streets of the town, and of all

pedestrians, to observe and conform to the provisions, rules, and regulations of the Highway Regulatory Act as supplemented by the provisions of this Sub-Chapter and any other ordinance of the town providing with respect thereto and they are subject to the penalties imposed by this Code if they do not observe and comply with such rules and regulations.

B. It shall be unlawful to operate any vehicle on any public way in the town which does not fully comply with all of the requirements of the Highway Regulatory Act pertaining to lights, brakes, other equipment, safety devices, inspection, construction, or maintenance.

C. No person shall drive or operate any vehicle upon any street in the town unless and until he has been issued a license to do so as required by state law not shall any person permit or allow any other person to drive or operate any vehicle owned or controlled by him upon highways of this state unless and until such other person has been issued a license to so do as required by state law. (Former Section 17:2)

Section 17:3 Definitions

For the purpose of this Sub-Chapter, the words and phrases used in the Highway Regulatory Act shall have the meaning ascribed to them in R.S. 32:1, with the exception that:

(1) Where the words "department" or "Department of Transportation and Development" are used, they shall be deemed to include the board of aldermen of the town, unless the meaning clearly indicates otherwise.

(2) Where the words "Department of Public Safety and Corrections" are used, they shall be deemed to include the town's chief of police, unless the meaning clearly indicates otherwise. (Former Section 17:3)

Section 17:4 Mayor to inspect streets and regulate maximum tonnage allowed thereon; penalties for violation thereof

A. The mayor shall inspect all streets, lanes, and public ways of the town and shall prescribe the necessary regulations and the maximum vehicular tonnage permitted to travel thereon.

B. The mayor shall be responsible for seeing that clear and understandable signs are erected at the entrance or entrances to said streets, lanes, and public ways designating the prescribed regulations and maximum tonnage of any vehicle traveling thereon.

C. Any person traveling upon any street, land or public way in violation of such prescribed regulations and maximum tonnage shall be condemned to pay all damages to said streets, lands, and public ways caused by him and to also be subject to the penalties provided for in Section 1:21. (Former Section 17:4)

Section 17:5 Proof of insurance

A. The following words and phrases shall have the meanings ascribed to them in this Section:

(1) "Motor vehicle" means every vehicle which is self-propelled.

(2) "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designated to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor and excluding a motorized bicycle.

B. It shall be unlawful for any person to operate a motor vehicle or motorcycle within the town without proof of insurance, as required by state law, present in the motor vehicle or motorcycle at the time of operation.

C. Any person who violates this Section shall be subject to a fine of not more than five hundred dollars (\$500) and/or imprisonment of up to sixty (60) days.
(Ordinance adopted on December 12, 1995)

Section 17:6 Unlawful operation of motor vehicle by persons under the age of seventeen (17)

A.(1) No person shall cause or knowingly permit his child or ward, under the age of seventeen (17) years, to operate a motor vehicle upon any public street, road, or highway within this town unless the child or ward is licensed by the state to do so.

(2) It shall be unlawful for any person to cause or knowingly permit a minor child under the age of seventeen (17) to drive a motor vehicle upon any public street, road, or highway in this town unless the child shall have first obtained a license to operate a motor vehicle.

B. Whoever violates this Section shall be fined not less than one hundred (\$100) dollars and not more than five hundred (\$500) dollars for each offense, or imprisoned for not more than sixty (60) days, or both.

C. This Section shall not apply when the unlicensed minor under the age of seventeen (17) is involved in a collision which results in the serious bodily injury or death of another person.

D. This Subsection shall not apply to a minor who is participating in a driver education course or a prelicensing training course approved and certified by the state.

Section 17:7 Driver's license required

A. It shall be unlawful for any person to operate a motor vehicle on any public street, road, or highway of this town unless he has been issued a driver's license secured from the Department of

Public Safety and Corrections, or the appropriate agency of another state if such person resides in that state, as required by state law.

B. Upon conviction, a person shall be fined not less than one hundred (\$100) dollars and not more than five hundred (\$500) dollars for each offense, or imprisoned for not more than sixty (60) days, or both.

Section 17:8 Unlawful use of driver's license

A. It shall be unlawful for any person to either:

(1) Display or cause or permit to be displayed or have in his possession any cancelled, revoked, suspended, or fictitious driver's license, or a driver's license which has been intentionally altered, or has been caused to be altered, by such person.

(2) Lend his driver's license to any other person or knowingly permit the use thereof by another person.

(3) Display or represent as one's own any driver's license not issued to him.

(4) Permit any unlawful use of a driver's license issued to him.

(5) Do any act forbidden or fail to perform any act required by state Driver's License Law.

B. Any violation of this Section shall subject the offender to a fine of not less than ten (\$10) dollars nor more than five hundred (\$500) dollars or imprisonment for up to sixty (60) days, or both.

Section 17:9 Operating vehicle while license is suspended

A. It shall be unlawful for any person to operate a motor vehicle upon any public street, road, or highway of this town during the period of suspension, revocation or cancellation of any driver's license which may have been issued to him by this state or by any other state.

B. A person who violates this Section may be fined up to five hundred (\$500) dollars or imprisoned for not more than sixty (60) days, or both.

Section 17:10 Vehicles without required inspection sticker or equipment or in unsafe condition

A. No person shall operate on any public street, road,, or highway within this town any motor vehicle, low-speed vehicle, trailer, semitrailer, or pole trailer, or any combination thereof, unless the equipment upon any such vehicle is in good working order and adjustment as required by state law and in such safe mechanical condition as not to endanger the operator or other occupant or any person upon the public street, road, or highway.

B. No person shall drive or move on any public street, road, or highway within this town any vehicle registered in this state which does not bear a valid state-required safety inspection certificate.

C. Any person violating this Section shall, upon conviction, be punished by a fine of not more than five hundred (\$500) dollars or by imprisonment of not more than sixty (60) days by both.

Section 17:11-14 Reserved

Section 17:15 Maximum speed limits established

Except as where may be otherwise provided and posted, no person shall operate or drive a vehicle on any street, lane, or public way in the town at a speed in excess of twenty-five (25) miles per hour; provided however, that the maximum speed limit on any state maintained highway in the town shall be set or at least approved by the Department of Transportation and Development.
(Former Section 17:15)

Section 17:16 Establishment of special speed zones

Whenever the board shall determine, upon the basis of an engineering or traffic investigation, that any maximum speed limit set forth in Section 17:15 is greater or less than is reasonable or safe under the conditions found to exist upon any street, road, or public way in the town, or any part thereof, they may declare a reasonable and safe maximum speed limit thereat, which when appropriate signs giving notice thereof are erected, shall be effective at all time or at such specific times as may be determined by the board.
(Former Section 17:16)

Section 17:17 Additional speed limitations

In addition to the specific speed limitations herein provided or authorized no person shall drive a vehicle on any street or public way in the town at a speed greater than is reasonable and prudent under the conditions and potential hazards then existing, having due regard for the traffic on, and the surface and width of the street or public way on which he is traveling, and the conditions of the weather.
(Former Section 17:17)

Section 17.18 Moving buildings, structures, trailers, or mobile homes on municipal streets

A. It is unlawful to pull a building or structure or a trailer or mobile home on any town street without first obtaining a permit therefor from the town clerk.

B. Upon application of any person for a permit to pull a building or structure or a trailer or mobile home upon any town street, the town clerk shall ascertain the intended location of the

building or structure or trailer or mobile home; that the proposed location of the building or structure or the trailer or mobile home complies with all town ordinances if the proposed location is within the town; and collect five dollars (\$5.00) from the applicant before issuing a permit authorizing such movement.

C. The permit required by this Section is in addition to any other permit and fee required by town ordinance.

D. It is unlawful to pull a building or structure or a trailer or mobile home on any municipal street without being escorted by town police.

Sections 17:19 Reserved

Section 17:20 Authority of mayor and board of aldermen to install traffic control signals

A. The mayor shall place and maintain such traffic control devices upon highways under its jurisdiction as the board may deem necessary to indicate and to carry out the Highway Regulatory Act, regulations of the department and secretary of public safety adopted pursuant thereto, and town ordinance.

B. The mayor may provide for the procurement, erection, and maintenance of traffic control signals exhibiting the words "Go", "Caution", or "Stop" or exhibiting different colored lights successively one at a time, or with arrows, or directing pedestrians to "Walk", "Don't Walk, or "Wait", or exhibiting flashing red, yellow, or amber lights; and it shall be unlawful to fail to comply with any such signals in the manner provided by R.S. 32:232, 32:233, and 32:234; provided however, that vehicles may turn right on a red or "Stop" signal, after coming to a complete stop and yielding the right-of-way to conflicting vehicles or pedestrians, if there is in place at the location a sign or marking authorizing such turns.

C. All traffic control devices hereafter erected shall conform to the department's manual and specifications.

(Former Sections 17:20 and 17:22)

Sections 17:21-25 Reserved

Section 17:26 Authority of board to designate stop and yield intersections; installation of stop and yield signs

The board may from time to time designate intersections or other places at which vehicles on a certain street or streets shall be required to stop and yield at the right-of-way or yield the right-of-way without being required to stop, to other vehicles or pedestrians. Suitable signs, signals or markings shall be erected giving notice of said designation and it shall be unlawful to fail to comply with any such sign, signal, or marking.

(Former Section 17:256)

Section 17:27 Stop and yield signs, requirements

A. Preferential right-of-way at an intersection may be indicated by stop signs or yield signs.

B. Except when directed to proceed by a police officer or traffic-control signal, every driver and operator of a vehicle approaching a stop intersection indicated by a stop sign shall stop before entering the cross walk on the near side at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. After having stopped, the driver shall yield the right of way to all vehicles which have entered the intersection from another highway as to constitute an immediate hazard.

C. The driver or operator of a vehicle approaching a yield sign shall slow down to a speed reasonable for the existing conditions, or shall stop if necessary, before entering the cross walk on the near side of the intersection or, in the event there is no cross walk, at a clearly marked stop line, but if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway. Having slowed or stopped in this manner, the driver shall yield the right to any pedestrian legally crossing the roadway on which he is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard.

(Former Section 17:27)

Section 17:28 Cutting corners to avoid traffic signals or signs prohibited

No person operating motor vehicle of any nature in the town shall drive through filling stations at intersections of streets or cut corners at intersections of streets, for the purpose of evading the stop or wait required by electronic traffic lights, traffic signals, or signs or markings used at street intersections in the town.

(Former Section 17:28)

Section 17:29 Reserved

Section 17:30 Authority of board to designate one-way streets

The board may from time to time designate specified streets or portions of streets for one-way traffic only. Appropriate signs shall be erected giving notice of such designation, and vehicles operated thereon shall be driven only in the direction designated, and a vehicle shall be driven as nearly as practicable entirely within a single lane of traffic and shall not be moved from such lane of traffic until the driver has first ascertained that such movement can be made with safety.

(Former Section 17:30)

Section 17:31 "U-turns" prohibited

It shall be unlawful to turn around or reverse the direction of travel, otherwise known as making a "U" turn on any street except a dead end street.
(Former Section 27:31)

Section 17:32-39 Reserved

Section 17:40 Stopping, standing or parking, generally

No person shall stop, park, or leave standing any vehicle, whether attended or unattended, upon the paved or main traveled part of any street or public way when it is practicable to stop, park, or so leave such vehicle off such part of said street or public way but in every event, an unobstructed width of the street or public way opposite a standing vehicle shall be left from the free passage of other vehicles and a clear view of such stopped vehicles shall be available from a distance of fifty (50') feet in each direction upon such street or public way.
(Former Section 17:40)

Section 17:41 Stopping, standing or parking prohibited in specified places

A. No person shall stand, or park a vehicle, except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

- (1) On a sidewalk;
- (2) In front of a public or private driveway;
- (3) Within an intersection;
- (4) Within fifteen (15') feet of a fire hydrant;
- (5) On a cross walk;
- (6) Within twenty (20') feet of a cross walk at an intersection;
- (7) Within twenty (20') feet upon the approach to any flashing beacon stop sign, or traffic control signal located at the side of a roadway;
- (8) Between a safety zone and the adjacent curb, or within twenty (20') feet of points on the curb immediately opposite the ends of a safety zone;
- (9) Within fifty (50') feet of the nearest rail of a railroad crossing;

(10) Within twenty (20') feet of the driveway entrance to any fire station, and on the side of a street opposite the entrance to any fire station within seventy-five (75') feet of said entrance, when properly posted;

(11) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(12) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(13) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(14) At any place where official signs prohibit such;

(15) Any place where parking will obscure or obstruct visibility of any traffic control device.

B. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such a distance as is unlawful.
(Former Section 17:41)

Section 17:42 Additional parking regulations

In addition to the general parking restrictions provided above and provided by the Highway Regulatory Act which are adopted by reference, the board may from time to time prohibit parking at specified places and/or times; or regulate the length of time a vehicle may remain parked; or regulate, limit, or restrict the manner of parking; and it shall be the duty of the chief of police to install and maintain appropriate signs, signals, or markings giving notice of such regulations or restrictions. It shall be unlawful to fail to comply with the directions of any such sign, signal, or marking.
(Former Section 17:42)

Section 17:43 Parking regulations, exceptions for disabled vehicles

This Sub-Chapter shall not apply to the driver of any vehicle that is disabled, so as to make it impossible to avoid stopping and leaving the vehicle thus parked. However, the driver shall remove the vehicle as soon as possible and not later than forty-eight (48) hours and until it is removed, it is his responsibility to protect traffic on such street or road.
(Former Section 17:43)

Section 17:44 Officers authorized to remove illegally parked vehicles

Any police officer who finds a vehicle illegally parked on a street, lane, or alley which obstructs traffic or creates a hazzard, is hereby authorized to move it, have it moved, or to require the person in charge of such vehicle to move. it.

(Former Section 17:44)

Section 17:45-49 Reserved

Section 17:50 Traffic laws apply to persons riding bicycles and motorcycles and motor-driven cycles

Every person riding a bicycle, motorcycle, or motor-driven cycle upon any street or road in the town shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this Sub-Chapter and shall also be bound by those special requirements provided for in the Highway Regulatory Act except as to those provisions which by their very nature can have no application.

(Former Section 17:50)

Section 17:51 Riding of bicycles prohibited

No person shall ride a bicycle on the sidewalks in the town.

(Former Section 17:51)

Section 17:52-61 Reserved

Section 17:62 Operating a vehicle, impaired persons

No person who is mentally or physically deficient or who is under the influence of liquor, narcotics, drugs, or medication to such an extent that his ability to safely operate a vehicle is impaired shall be permitted to operate any such vehicle upon the streets of the town.

(Former Section 17:62)

Section 17:63 Duties of operator when involved in an accident

In case of an accident resulting in injury or damage to any person or property in the town through the operation of any vehicle, the person operating such vehicle shall stop and give such reasonable assistance as can be given and shall give his name and address, and if not the owner of the vehicle, he shall give the name and address of the owner to the injured person or to any person who may request it. He shall also give the registered license number of the vehicle and shall make reports thereof in the manner required by law.

(Former Section 17:63)

Section 17:64-69 Reserved

Section 17:70 Obedience to police officers and traffic control devices

A. No person shall fail or refuse to comply with any lawful order or direction of any police officer invested by law with authority to direct, control, or regulate traffic.

B. No person shall fail or refuse to comply with the instruction or direction of any traffic control device which has been erected under the authority of this Sub-Chapter or any ordinance of the town.

(Former Section 17:70)

Section 17:71-94 Reserved

Section 17:95 Appearance upon arrest

Whenever any person is arrested for a violation of any provision of this Sub-Chapter, the arresting officer shall take his name, address, and the license number of his motor vehicle, and issue a summons or otherwise notify him in writing to appear at a time and place to be specified in such summons and notice, such time to be at least five (5) days after arrest, unless he shall demand an earlier hearing. The person arrested shall, if he so desires, have a right to any immediate hearing nor a hearing within twenty-four (24) hours, at a convenient hour, to be before a magistrate within the town. Such officer may, in his discretion, thereupon and upon the giving by such person of his written promise to appear at such time and place, release him from custody or take him forthwith before a magistrate. Any person refusing to give such written promise to appear, shall be taken immediately by the arresting officer before the nearest to most accessible magistrate having jurisdiction.

(Former Section 17:95)

Section 17:96 Penalty

Any person violating any of the rules and regulations provided by this Sub-Chapter or of the Highway Regulatory Act adopted by reference herein, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished in accordance Section 1:21.

(Former Section 17:96)

Section 17:97 Promise to appear; payment of fine

A. Any person charged with a violation of this Section may promise, in writing on a form prepared or otherwise used by the town, to appear to answer the charge.

B.(1) Any person charged with a violation of this Section may plead guilty to the alleged offense and pay the fine prior to date of adjudication in the Town Hall during business hours or by mail. Payment by mail must be postmarked on or before the date of adjudication and may be made by check or money order. No temporary checks or cash shall be accepted by mail.

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

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

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

D. Subsections A and B shall not apply when the operator was involved in an accident in which a person was injured or is alleged to have committed the same offense twice within a period of one (1) hour.

Sub-Chapter B Abandoned Automobiles

Section 17:100 Defined

"Abandoned motor vehicle" means a motor vehicle that is inoperable and is left unattended on public property for more than twenty-four (24) hours, or is inoperable and left unattended on the shoulder or right-of-way of an interstate or a four-lane highway for more than twenty-four (24) hours, or a motor vehicle that has remained illegally on public property for a period of more than twenty-four (24) hours, or a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than three (3) days.
(Former Section 17:100)

Section 17:101 Parking motor vehicles; seizure of; payment of costs

If any motor vehicle is seized or otherwise held by any policeman or other officer employed by the town for illegal parking, stationing or abandoning of such motor vehicle or for the violation of any town traffic ordinance or regulation, the owner may regain possession thereof upon payment of such costs as may be fixed by the town. The costs so fixed shall cover all charges for removing the vehicle to the place of holding and all other costs incurred during the period of holding.

Section 17:102 Seized vehicles; impounding and detention of vehicles illegally parked

The town may impose a penalty as set forth in Section 1:21 on any person for parking,

stationing, or abandoning any automobile or other vehicle on a town street in violation of this Sub-Chapter or any other ordinance or regulation. Further the town may charge for the impounding and detention of vehicles illegally parked in loading, reserved, or otherwise restricted zones, no parking areas, or public carrier stands, but the total of such charges, including the charge for its removal from the street where it may have been situated, and all other charges during the period of storage, shall not exceed thirty (\$30) dollars.

(Former Section 17:103)

Section 17:103 Abandoned vehicle; removal

A. Whenever any motor vehicle is found to be abandoned by any law enforcement officer, such officer shall post a notice on the windshield of the vehicle directing that the vehicle be removed from said location within twenty-four (24) hours. Additionally, the notice shall direct that the failure to remove the vehicle shall result in the vehicle's being removed.

B. If the abandoned motor vehicle is not removed within twenty-four (24) hours from the date of the posting of the notice, the motor vehicle shall be removed and disposed of by the town.

(Former Section 17:101)

Section 17:104 Authority to take possession of abandoned motor vehicles

The town may take into custody any motor vehicle found abandoned on public or private property. The town may employ its own personnel, equipment and facilities or may employ persons, equipment and facilities for the purpose of removing, preserving and storing abandoned motor vehicles.

(Former Section 17:102)

Section 17:105 Notification of owners and mortgage holders

A. Whenever any motor vehicle is found to be abandoned by the town by reason of the illegal parking or the stationing of such motor vehicle on a public street, way, road or highway within the town, the town shall send a registered or certified letter, return receipt requested, to the last known owner of said vehicle at his last known address informing him to remove said vehicle within ten(10) working days from date of receipt of notice, as herein provided. The town shall notify the owner of such vehicle that, in lieu of removal, said owner may remit fifteen (\$15) dollars, together with a completed certificate of authority to the town to remove and dispose of the vehicle. The certificate of authority shall be on a form prescribed and furnished by the town, along with a self-addressed return envelope.

B. If the abandoned motor vehicle is not removed within ten (10) working days from date of receipt of notice and the fifteen (\$15) dollar removal fee has not been returned, the motor vehicle may be removed and disposed of by the town forthwith, and in such case the town may assess a penalty of twenty (\$20) dollars for the failure of an owner to remove an abandoned motor vehicle.

If the penalty is not paid within thirty (30) days, and upon receipt, the town shall forward satisfactory evidence of the failure to pay the penalty as assessed, to the Department of Public Safety and Corrections for revocation of the license of the owner of the vehicle. The town may also recommend that the department suspend or revoke the certificates of registration of motor vehicles owned by any person who fails to comply with this Sub-Chapter.

(Former Section 17:101)

Section 17:106 Sale of abandoned motor vehicles: procedure

A. Whenever any motor vehicle belonging to a known or unknown person has been seized or is otherwise held by the town for illegal parking, stationing, or abandoning of such motor vehicle on the public streets, ways, roads, and highways within the town, and the same has not been claimed for a period of three (3) months or more, then the motor vehicle shall be considered as having been abandoned to the town and the town may dispose of such motor vehicle and collect the costs and charges of removing and storing said vehicle in the following manner:

(1) The town shall send a registered or certified letter, return receipt requested, to the owner of said vehicle, within ten (10) days of the date the vehicle was seized. The town shall send a second letter to the vehicle owner upon the expiration of the three-month period provided for in this Section. Any such letter shall be sent to the owner of the vehicle at his last known address informing him that the town is holding the vehicle. The owner shall also be informed in such letter that the vehicle shall be sold to the highest bidder unless said owner, on or before the date of sale, claims the vehicle and pays to the town all costs and charges imposed by the town for the removal and detention of the vehicle. A copy of the letters shall also be sent to any person known to be the holder of a mortgage on the vehicle.

(2) Before the sale of any such vehicles, the town shall have them appraised by a competent appraiser and shall publish a notice of the proposed sale of the vehicle in the official journal of the town not less than three (3) times within a ten(10)-day period prior to the date of said sale. The published notice shall contain a complete list of the vehicles to be sold, the date and place of said sale, and notification that said vehicles will be sold either individually or in globo to the highest bidder therefor, all in the discretion of the town.

(3) All funds received from the sale of a motor vehicle shall be set aside and placed in a separate account established therefor by the town. If, within one (1) year following the date of the sale, the owner or lienholders of any of the vehicle shall present sufficient proof to the town of his ownership or lien, the owner or lienholder shall be entitled to the amount received for his individual vehicle less his pro rata share of the costs and expenses of the sale, as well as all charges and costs due and owing for removal and storage of the vehicle. Any funds not claimed within one (1) year following the date of sale shall be deposited to the general fund of the town.

(Former Section 17:102)

CHAPTER 18

NUISANCES

Sub-Chapter A	General
Sections 18:1-10	Reserved
Sub-Chapter B	Abatement
Section 18:11	Notice to abate
Section 18:12	Judicial Review
Section 18:13	Failure to abate
Section 18:14	Summary abatement

Sub-Chapter A General

Sections 18:1-10 Reserved

Sub-Chapter B Abatement

Section 18:11 Notice to abate

Except as otherwise provided in this Code, upon the filing of an affidavit alleging the existence of any nuisance on any property or premises or any nuisance as defined in this Code, the town shall provide notice to the owner of the property, as determined from the latest assessment rolls, and/or the person alleged to be causing the nuisance, requiring compliance within ten (10) days of notification. The notice shall further state that if the owner and/or other person does not comply and compliance requires work to be done on the owner's property, the town may cause the work to be done and pay therefor and charge the cost incurred in doing or having the work done to the owner of the property. The cost of the work shall include the expense of inspection, locating the owner, issuing or publishing notice, reinspection, ordering work to be done, postage, and all necessary incidents to such work. The notice shall be given by personal service or by registered or certified mail, return receipt requested. If the owner and/or other person cannot be served or if notice by mail is returned as not deliverable, notice shall be published once in the official journal of the town.

Section 18:12 Judicial review

Any person receiving notice that he is in violation pursuant to this Sub-Chapter may, within

ten (10) days after receipt of notice or within ten (10) days after the date of the publication if notice is provided through the official journal, request a hearing in mayor's court to determine whether he is in violation. The town shall notify the person seeking judicial review of the date, time and place of the hearing.

Section 18:13 Failure to abate

A. If the activity constituting a nuisance is continuing and if (1) the owner or other person cited does not make timely request for judicial review as provided in Section 18.12 and does not comply within ten (10) days after receipt of notice or after the date of the publication if notice is provided through the official journal or (2) the owner or other person cited does not comply within ten (10) days after being found in violation by the mayor's court, the mayor shall cause the condition constituting the nuisance to be removed or abated and assess the costs thereof against the owner and/or other person cited. Thereafter, the town shall furnish the owner and/or other person cited with a written statement, by a certified or registered mail, return receipt requested, which contains a description of the property and the cost of the work performed.

B. If the owner and/or other person cited does not pay the charges within ten (10) days after being furnished the statement described in Subsection A or within ten (10) days after the letter is returned as not deliverable, the mayor may take the necessary steps in court incidental to the collection of the expense incurred as shown on the statement.

C. Any person (1) who fails to abate the nuisance within ten (10) days after receipt of notice or within ten (10) days after the date of the publication of notice, if notice is provided through the official journal, and who has made no timely request for judicial review as provided in Section 18:12 or (2) who is found to be in violation by the mayor's court pursuant to Section 18:12 and who fails to abate the nuisance within ten (10) days after such finding, shall be subject to the penalties set forth in Section 1:21.

Section 18:14 Summary abatement

In addition to the foregoing remedy and cumulative thereof, if it shall be brought to the attention of the board and the board determines that any nuisance is likely to have an immediate adverse effect upon the public health, comfort, safety, then and in that event, the council may order the nuisance summarily abated.

CHAPTER 19

PARKS AND RECREATION

Section 19:1	Created; appointment; terms; vacancies; removal
Section 19:2	Membership vacated for seeking public office; using position to further personal interests; removal
Section 19:3	Officers; rules governing proceedings
Section 19:4	Powers
Section 19:5	Town responsibility for obligations
Section 19:6	Budget
Section 19:7	Reports
Section 19:8	Quorum
Section 19:9	Yearly activities plan
Section 19:10	Meetings

Section 19:1 Created; appointment; terms; vacancies; removal

A. There is hereby created a recreation and park commission to be composed of five (5) members to be appointed by the board of aldermen upon recommendation by the Director of the Park and Recreation Department and said members to serve without pay. The mayor, one alderman selected by the board of aldermen and the Director will serve as ex officio members of the commission. The members shall hold office for one year, said appointments to be made at the regular meeting of the board of aldermen in June and said appointments to become effective July 1st of each year.

B. In the event of a vacancy occurring other than expiration of a term, it shall be filled by recommendation of the director upon consent of the board of aldermen of the unexpired part of the term only.

C. If any member is absent from commission meetings on two consecutive occasions or not present at a minimum of ten (10) meetings in the term, that member will be terminated and the position declared vacant. Exception will be limited to death, birth, or accident of the member's immediate family.

(Ordinance adopted 12/14/1993)

Section 19:2 Membership vacated for seeking public office; using position to further personal interests; removal

A. Any appointed member of the commission who announces as a candidate for any elective office shall ipso facto vacate his membership on the commission, and the mayor, with approval of the board of aldermen, shall appoint his successor for the unexpired term.

B. No member appointed on the commission shall use his position on the commission to further his own political or financial ambitions in any manner.

C. An appointed member of the commission may be removed at any time, for cause, by the mayor with the approval of the board of aldermen.
(Ordinance adopted 12/14/1993)

Section 19:3 Officers; rules governing proceedings

A. The commission, at its first meeting, shall elect from its members a chairman, first vice-chairman and a second vice-chairman, who shall serve for one year and shall thereafter be elected annually in September and shall take office January first each year. The commission shall have the power to adopt by-laws, and rules and regulations for the proper conduct of same, subject to approval of the board of aldermen.

B. The director shall be the secretary.
(Ordinance adopted 12/14/1993)

Section 19:4 Powers

The recreation and park commission shall be vested with the following powers and duties:

(1) To lay out, manage, supervise, and control all of the public parks, playgrounds, swimming pools, recreation centers, golf courses, athletic fields, and other recreation facilities and activities on any of the properties belonging to the town or on other properties with the consent of the owners and authorities thereof.

(2) To conduct any form of recreation or cultural activity that will employ the leisure time of people in a constructive and wholesome manner.

(3) To make reasonable rules and regulations governing the use of public parks, recreation centers, playgrounds, swimming pools, athletic fields, golf courses, and other recreation facilities under its control.

(4) To provide for such charges or fees for the use of the swimming pools, special activities or other places of public recreation as shall be reasonable and necessary in order to defray or help defray expenses of maintaining and operating the equipment, buildings, and grounds of such places.

(5) To plant shrubs, trees, and other ornamental plants in any of the places under its control; to provide rules and regulations for the protection and care of shrubs, trees, and flowers situated in any such places; and in general to establish and beautify said public parks, recreation areas and facilities.

(6) To erect, construct, repair, and maintain such buildings in the parks and recreation areas of the town as may be deemed necessary by the commission.

(7) To provide, establish, maintain, and conduct such supervised playgrounds, recreational systems, pools, recreation centers, etc. as in the judgment of the commission members may be deemed proper or advisable.

(8) To supervise, manage, and control all of the recreation areas and facilities for children and adults operated by the town.

(Ordinance adopted 12/14/1993)

Section 19:5 Town responsibility for obligations

The town shall not be responsible for any contracts or obligations made or incurred by the commission created pursuant to this Chapter until the contracts or obligations shall have been approved by the board of aldermen.

(Ordinance adopted 12/14/1993)

Section 19:6 Budget

The recreation and park commission shall submit an anticipated budget to the board of aldermen based on the millage and anticipated revenues for the succeeding fiscal year, not later than April fifteenth of each year.

(Ordinance adopted 12/14/1993)

Section 19:7 Reports

The commission shall make full and complete monthly reports to the board of aldermen and mayor and other reports from time to time as required.

(Ordinance adopted 12/14/1993)

Section 19:8 Quorum

Three members present will constitute a quorum for a meeting.

(Ordinance adopted 12/14/1993)

Section 19:9 Yearly activities plan

The director will provide detailed plan for activities for a period of one year to include summer, fall, winter, and spring for all age groups and said activities to be of variety.

(Ordinance adopted 12/14/1993)

Section 19:10 Meetings

Regular meetings will be held on the third Thursday of each month at 7:00 p.m. at the town hall unless otherwise stated. Each member is to be reminded the Tuesday prior to the meeting by the director.

(Ordinance adopted 12/14/1993)

CHAPTER 20

PLANNING AND ZONING

Sub-Chapter A	Planning
Section 20:1	Creation of planning and zoning commission; membership and appointment
Section 20:2	Organization of planning commission; chairman; rules and operating procedures
Section 20:3	Powers and responsibilities of planning commission
Sub-Chapter B	Zoning
	Reserved

Sub-Chapter A Planning

Section 20:1 Creation of planning and zoning commission; membership and appointment

There is hereby created and established to the town a planning and zoning commission, which shall be comprised of five (5) members. The members shall be resident citizens, taxpayers and qualified voters of the town, all of who shall be appointed by the mayor subject to confirmation by the board of aldermen. All vacancies shall be filled in the same manner as provided for the original appointment. Members of the commission may be removed by the mayor, with the consent of the board of aldermen, after public hearing and for cause assigned in writing or upon the completion of their assigned project. The members of the commission shall serve without compensation.

(Former Section 20:1)

Section 20:2 Organization of planning commission; chairman; rules and operating procedures

The planning and zoning commission shall elect a chairman and vice-chairman from among its membership and shall power to employ such qualified persons as may be necessary for the proper conduct and undertakings of the commission and to pay for their services and such other necessary expenses, provided that the cost of such services and expenses shall not exceed the amount appropriated by board of aldermen for the use of the commission. It shall also have the power to make rules, regulations, and by-laws for its own government which shall conform as nearly as possible with those governing the board of aldermen, and same shall be subject to approval by such commission. The by-laws shall include, among other items, provisions for: (a) regular and special meetings, open to the public; (b) records of its proceedings to be open for inspection by the public; (c) reporting to the board of aldermen and the public, from time to time and annually; and (d) for the holding of public hearings on its recommendations.

(Former Section 20:2)

Section 20:3 Powers and responsibilities of planning commission

The planning and zoning commission shall have the power and it shall be its duty to make and recommend for adoption a master plan as a whole or in parts for the future development and redevelopment of the town and its environs and shall have the power and it shall be its duty to prepare a comprehensive plan and ordinance for zoning the town in accordance with state law. The mayor and board of aldermen shall perform such other duties as may be prescribed by ordinance, this Code, or state law.

(Former Section 20:3)

Sub-Chapter B
Zoning

Reserved

CHAPTER 21
PUBLIC WELFARE

Reserved

CHAPTER 22
RAILROADS AND COMMON CARRIERS

Reserved

CHAPTER 23

RETIREMENT AND PENSION PLANS

Reserved

(Materials on this topic found in Chapter 2)

CHAPTER 24

REVENUE AND TAXATION

Sub-Chapter A	Sales and Use Tax
Section 24:1	Sales and use tax levied
Section 24:2	Sales and use tax; delinquent taxes; interest and penalties
Sections 24:3-99	Reserved
Sub-Chapter B	Property Tax
Section 24:100	Millage and rate of taxation
Section 24:101	Assessment and collection
Section 24:102	Interest penalty; rate; collection
Sections 24:103-199	Reserved
Sub-Chapter C	Other Taxes, Assessments, and Revenues
Section 24:200	Beer tax imposed, collection by state
Section 24:201	Failure to pay tax timely; penalties
Section 24:202-229	Reserved
Section 24:230	Special assessment for fire protection, water customers
Sections 24:230-239	Reserved
Sub-Chapter D	Escrow Account
Section 24:240	Escrow account from previous year's actual revenue
Section 24:241-249	Reserved
Sub-Chapter E	Investment of Funds
Section 24:250	Preamble
Section 24:251	Objectives
Section 24:252	Responsibility
Section 24:253	Guidelines
Section 24:254	Prohibited transactions
Section 24:255	Reporting requirements
Section 24:256	Other

Sub-Chapter A Sales and Use Tax

Section 24:1 Sales and use tax levied

There is hereby levied from and after December 1, 1969, for the purposes stated in the proposition set forth in the preamble of the ordinance, a tax upon the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property and on sales of services within the town, and the levy of such tax shall be as follows:

(1) At the rate of one (1%) per cent of the sales price or each item or article of tangible personal property when sold at retail in the town; the tax to be computed on gross sales for the purpose of remitting the amount of tax due and to include each and every retail sale.

(2) At the rate of one (1%) per cent of the cost price or each item or article of tangible personal property when the same is not sold, but is used, consumed, distributed, or stored for use or consumption in the town; provided there shall be no duplication of the tax.

(3) At the rate of one (1%) per cent of the gross proceeds derived from the lease or rental of tangible personal property, where the lease or rental of such property is an established business, or part of an established business or the same is incidental or germane to the business.

(4) At the rate of one (1%) per cent of the monthly lease or rental price paid by lessee or renter, or contracted or agreed to be paid by lessee or renter to the owner of the tangible personal property.

(5) At the rate of one (1%) per cent of the gross proceeds derived from the sale of services.
(Former Sections 24:2-24:84)

Section 24:2 Sales and use tax; delinquent taxes; interest and penalties

If the amount of tax due by the dealer is not paid on or before the twentieth (20th) day of the month next following the month for which the tax is due, there shall be collected, with the tax, interest upon the unpaid amount, at the rate of fifteen (15%) per cent per annum, or fractional part thereof, to be computed from the first day of the month next following the month for which the tax is due until it is paid, and in addition to the interest that may be so due, there shall also be collected a penalty equivalent to five (5%) per cent for each thirty (30) days, or fraction thereof, of delinquency, not to exceed twenty-five (25%) per cent in the aggregate, of the tax due, when such tax is not paid, within thirty (30) days of the date the tax first becomes due and payable, and in the event of suit, attorney's fees at the rate of ten (10%) percent of the aggregate of tax, interest, and penalty.

(Ordinance adopted September 6, 1988)

Sections 24:3-99 Reserved

Sub-Chapter B Property Tax

Section 24:100 Millage and rate of taxation

In order to provide funds to defray the expenses of town government and for general town and local purposes, strictly public in their nature, a tax for each year, of seven (7) mills on the dollars of the assessed valuation of property, excluding automobiles, or such adjusted rate adopted by resolution as provided by law, within the territorial limits of the town, is hereby levied as provided for by Article VI, Section 27 of the Constitution of 1974.

Section 24:101 Assessment and collection

A. The assessor for the parish in which the property is located is hereby authorized and directed to extend the millage levied herein on the assessment rolls of the town.

B. The sheriff of the parish in which the property is located is hereby authorized and directed to collect the tax herein levied in the manner, form, and at the time prescribed by law.

Section 24:102 Interest penalty; rate; collection

Upon failure to pay the tax levied pursuant to this Sub-Chapter, commencing after the date upon which the tax is due and until ninety (90) days thereafter, there shall be assessed an interest on the amount of the tax due at the rate set for each calendar year by the commissioner of financial institutions pursuant to La. Civil Code Art. 2924(B)(3), and thereafter there shall be assessed an interest of one and one-quarter (1 1/4%) percent per month on the amount of the tax due, which interest shall be collected by the town together with and in the same manner as the tax.

Sections 24:103-199 Reserved

Sub-Chapter C Other Taxes, Assessments, and Revenues

Section 24:200 Beer tax imposed, collection by state

In addition to all license taxes presently imposed or permitted to be imposed, there is hereby levied a tax on all beer, porter, ale, fruit juices, or wine containing more than one-half of one (1/2%) per cent and not more than six (6%) per cent of alcohol by volume, of one and 50/100 (\$1.50) dollars per standard thirty-one (31) gallon barrel, or at a like rate of any other quantity, or for fractional parts of such beverages sold and consumed within the town; said tax shall be collected by the collector of revenue of the state; and the amount thereof collected remitted by him to the town, each quarter in accordance with state law and the rules and regulations of the collector or revenue .
(Former Section 24:200)

Section 24:201 Failure to pay tax timely; penalties

A. If a dealer in beverages of low alcoholic content fails to file a return and pay the tax due on the beverages with the time provided in R.S. 26:345, he shall be subject to a penalty of five (5%) per cent on the amount of the tax if the period of delinquency is ten (10) days or less or twenty (20%) per cent on the amount of the tax if the period of delinquency is greater than ten (10) days.

B. If an attorney is called on to assist in collection, there shall be an additional sum due equal to ten (10%) per cent of both the amount of the penalties and tax due.
(Ordinance adopted September 1, 1981)

Section 24:202-229 Reserved

Section 24:230 Special assessment for fire protection, water customers

There is hereby levied a special assessment of twenty-five cents (\$0.25) per month on all water customers of the town, which said assessment shall be included in the monthly bill rendered to the water customers. The proceeds from this special assessment are hereby dedicated to the town's fire department.

(Former Section 24:230)

Sections 24:230-239 Reserved

Sub-Chapter D
Escrow Account

Section 24:240 Escrow account from previous year's actual revenue

A. An escrow account shall be opened and maintained at a local bank drawing interest at a rate deemed adequate by the board.

B. The escrow account shall be budgeted each fiscal year by using one (1%) per cent of the previous year's actual revenue.

C. Expenditures from this account shall require a two-thirds (2/3) vote of the board.

D. Expenditures from said escrow account shall be made after board approval and is not limited or dedicated to any project or purpose whatsoever.
(Ordinance adopted April 13, 1993)

Section 24:241-249 Reserved

Sub-Chapter E

Investment of Funds

Section 24:250 Preamble

- A. In accordance with R.S. 33:2955(D), the town hereby adopts this Investment Policy.
- B. The town shall operate under the "prudent person" rule, exercising judgment and care, under the circumstances prevailing, which people of ordinary prudence would employ in the management of their own affairs - not in regard to speculation, but as to the permanent disposition of their funds, considering both income and safety of capital.
- C. The assets of the town shall be held in trust by the fiduciary (fiduciaries) designated by the town.
- D. The town will normally review this Sub-Chapter at least annually.

Section 24:251 Objectives

- A. The primary investment objective of the town is to ensure that the current and future obligations are adequately funded in a cost effective manner. The goals of this investment policy shall be (1) safety of principal, (2) liquidity, and (3) yield.
- B. Preservation of capital and the realization of sufficient total return to ensure the ongoing financial integrity of the funds are essential. Preservation of capital encompasses two goals:
 - (1) Managing the risk of principal for the fund as a whole.
 - (2) Managing the erosion of principal value through inflation.
- C. The town shall establish internal controls for any derivatives in use to ensure that the risks inherent in derivatives are adequately managed. For purposes of this policy, "derivative" means any financial instrument created from or whose value depends on the value of one or more underlying assets or indexes of asset value.

Section 24:252 Responsibility

- A. The investment of funds shall be managed by the clerk, and may be accomplished by the selection of an investment manager. The selection must be approved by the mayor in accordance with the criteria established by the board. The investment manager must acknowledge in writing his obligation as a fiduciary responsible for the investment of the town's assets.
- B. Prospective investment managers shall be registered investment advisors with the Securities and Exchange Commission under the Investment Act of 1940 or bank trust departments regulated by the Office of Comptroller of the Currency.

Section 24:253 Guidelines

A. The assets of the town may be invested as authorized and directed in R.S. 33:2955(A).

B. Cash and cash equivalents are comprised of daily cash balances above the day-to-day needs and funds set aside for portfolio strategy reasons. Short term investments of cash and cash equivalents may be placed in:

(1) Obligations of the U.S. Treasury, federal agencies, or U.S. government instrumentalities (as provided herein) with maturities of less than two (2) years.

(2) Time certificates of deposit, as provided herein.

(3) Money market mutual funds, as provided herein.

(4) The Louisiana Asset Management Pool, Inc.

Section 24:254 Prohibited transactions

The following transactions are expressly prohibited:

(1) Any transactions not authorized by this policy.

(2) The purchase of securities on margin.

(3) Director purchases of single family or commercial mortgages.

(4) Purchases of foreign bonds.

(5) The short sale of securities.

(6) Investment in obligations issued or guaranteed by federal agencies or U.S. government instrumentalities which are collateralized mortgage obligations that have been stripped into interest only or principal only obligations, inverse floaters, or structured notes. "Structured note" means securities of U.S. government agencies, instrumentalities, or government-sponsored enterprises which have been restructured, modified, and/or reissued by private entities.

Section 24:255 Reporting requirements

A. The clerk shall provide reports to the mayor and board as follows:

(1) Monthly - including actual trade market value, investment manager account activity report, and brokerage and third party commissions.

(2) Quarterly - including portfolio characteristics and market outlook (narrative).

B. The topics in these reports shall include:

(1) Performance for the past period; standard time periods for each report will be last quarter, year to date, latest twelve (12) months, three (3) years, and since inception. Returns should be annualized and calculated on a time weighted basis for the total portfolio. All returns should include accrued interest and dividends.

(2) Rationale for performance results, discussion of specific portfolio strategy for the quarter, portfolio characteristics, and support for market and economic assumptions.

Section 24:256 Other

A. Maturity restrictions may be set by the board based upon the town's cash flow needs.

B. If an investment manager is used:

(1) The criteria for selection may be established by the mayor and board.

(2) His performance may be measured by an index, e.g. Lehman Brothers Intermediate Government index.

(3) The funds shall be held by a custodian bank with duties and obligations as established by the mayor and board.

(4) His performance may be evaluated periodically by an investment consultant selected by the mayor and board.

CHAPTER 25
SPECIAL DISTRICTS

Reserved

CHAPTER 26

STREETS, SIDEWALKS, AND DRAINAGE

Sub-Chapter A	Streets
Section 26:1	Working on streets prohibited without approval of the mayor and board of aldermen
Sections 26:2-99	Reserved
Sub-Chapter B	Sidewalks
Section 26:100	Maintenance of sidewalks by abutting property owners
Sections 26:101-110	Reserved
Section 26:111	Riding bicycle on sidewalk prohibited
Sections 26:112-149	Reserved
Sub-Chapter C	Drainage
Section 26:150	Obstructing or impeding natural drains, prohibited
Section 26:151	Failure of person to remove obstruction
Section 26:152	Penalty
Sections 26:153-174	Reserved
Section 26:175	Dumping and discharged into Bayou Teche and Bayou Fuselier, prohibited
Section 26:176	Failure to remove discharged or dumped materials
Section 26:177	Penalty
Sub-Chapter D	Minors on Streets and in Public Places
Section 26:180	Definitions
Section 26:181	Nocturnal curfew for minors
Section 26:182	Liability of custodian of minors
Section 26:183	Enforcement procedures
Section 26:184	Penalty
Section 26:185	Exceptions
Section 26:186	Interpretation

Sub-Chapter A Streets

Section 26:1 Working on streets prohibited without approval of the mayor and board of aldermen

Other than the grading, graveling, and construction of drainage structures required under the town's subdivision regulations for new subdivisions, no person, firm, or corporation shall do any

work or any act to oil or otherwise improve any street or alley except with the approval of the mayor and board of aldermen.
(Former Section 26:3)

Sections 26:2-99 Reserved

Sub-Chapter B
Sidewalks

Section 26:100 Maintenance of sidewalks by abutting property owners

A. Each owner of property abutting a sidewalk in the town shall maintain such sidewalk.

B. In the event any property owner fails to maintain the sidewalk along his property as herein required, the proper officer of the town may have such work done and the cost of same shall be taxed against said property owner.
(Former Section 26:100)

Sections 26:101-110 Reserved

Section 26:111 Riding bicycle on sidewalk prohibited

No person shall ride a bicycle on any sidewalk within the town.
(Former Section 26:111)

Sections 26:112-149 Reserved

Sub-Chapter C
Drainage

Section 26:150 Obstructing or impeding natural drains, prohibited

No person shall willfully obstruct, impede, or divert the course of water from a natural drain, canal, creek, bayou, or small river, with the town.
(Former Section 26:150)

Section 26:151 Failure of person to remove obstruction

Failure on the part of any person who has obstructed and/or diverted any drainage to remove the obstruction and/or diversion shall constitute prima facie evidence of willful intent within the meaning of this Sub-Chapter.
(Former Section 26:151)

Section 26:152 Penalty

A. Any person who violates any provision of this Sub-Chapter shall be punished in accordance with Section 1:21.

B. Each obstruction or diversion or both shall constitute a separate offense.
(Former Section 26:152)

Sections 26:153-174 Reserved

Section 26:175 Dumping and discharged into Bayou Teche and Bayou Fuselier, prohibited

No person shall willfully dump or discharge or permit to be dumped or discharged into the waters or drains of Bayou Teche and/or Bayou Fuselier within the town, any trees or other objects, articles, trash, substances, or materials whatsoever which will obstruct the drainage of such streams.
(Former Section 26:175)

Section 26:176 Failure to remove discharged or dumped materials

Failure of any the part of any person who has dumped or discharged such substances cited in Section 26:175 in such manner that it will obstruct the drainage, to remove the obstruction, shall constitute prima facie evidence of willful intent within the meaning of this Sub-Chapter.
(Former Section 26:176)

Section 26:177 Penalty

A. Whoever violates this Sub-Chapter shall, upon conviction, be subject to such penalties as are provided in Section 1:21.

B. Every violation of this Sub-Chapter shall constitute a separate offense.
(Former Section 26:177)

**Sub-Chapter D
Minors on Streets and in Public Places**

Section 26:180 Definitions

A. For the purposes of this Sub-Chapter, the following words shall mean:

(1) "Custodian" means a person having legal responsibility for the care or custody of a minor as the work "parent" is defined in Louisiana Children's Code Article 116 (17).

(2) "Minor" means any unmarried natural person under seventeen (17) years of age who is not fully emancipated pursuant to Louisiana Civil Code Article 366.

(3) "Permit" means to knowingly fail to prevent, or failure to prevent due to lack of reasonable efforts or concern, to supervise and control.

(4) "Reasonable errand" means a minor's presence in public pursuant to his custodian's direction in order to accomplish a legitimate family function in a normal and customary fashion considering the time of day. "Reasonable errand" is presumed to exist when a minor is in transit to or from a point less than three hundred (300) feet from the juvenile's place of abode under his custodian's direction. "Reasonable errand" is also presumed to exist when a juvenile remains in public pursuant to his custodian's direction for purposes of the juvenile's employment in compliance with Louisiana's Child Labor Laws.

(4) "Remain" means to unnecessarily tarry, stay, loiter or idle.
(Ordinance No. 4 of 1995, adopted November 14, 1995.)

Section 26:181 Nocturnal curfew for minors

Unless accompanied by his custodian, it shall be unlawful for any minor, whether on foot or in a vehicle, to wander without destination or to travel, loiter, stroll, play, traverse, or remain in or upon any public street, road, highway, avenue, alley, or other public place between 9:00 p.m. and 5:00 a.m. beginning Sunday through Thursday night lasting into the next morning, and between 10:00 p.m. and 5:00 a.m. Saturday and Sunday mornings or on mornings of legal holidays except as to New Year's Day, this restriction commences at 12:01 a.m. until 5:00 a.m. This restriction shall not apply to any minor who is engaged in an emergency mission, nor shall it apply to a minor who needs to remain in public to perform a reasonable errand.
(Ordinance No. 4 of 1995, adopted November 14, 1995.)

Section 26:182 Liability of custodian of minors

It shall be unlawful for any custodian to permit a minor to violate this Sub-Chapter.
(Ordinance No. 4 of 1995, adopted November 14, 1995.)

Section 26:183 Enforcement procedures

A. If a town police officer reasonably believes that a minor is violating this Sub-Chapter, the officer shall warn the minor that he is in violation of the curfew and shall request the minor to give his complete name and address and how to contact his custodian. The officer shall then direct the minor to proceed immediately to his home or place of abode.

B. If the minor fails to obey these directions, or refuses to furnish the officer with the requested identification information, or has been subject to a prior curfew warning during that same

or the three (3) previous nights, the officer shall take such minor to a juvenile officer and /or the sheriff's office of St. Landry Parish, and/or a juvenile office of the state. These juvenile officers and/or the police officer shall then contact the minor's custodian and request that the custodian come and accept release of the minor. If the custodian cannot be contacted, or if the custodian fails to come to accept release, the minor shall be released to an appropriate local agency having the authority to care for juveniles.

(Ordinance No. 4 of 1995, adopted November 14, 1995.)

Section 26:184 Penalty

Any custodian violating the provisions of this Sub-Chapter shall be fined not less than fifty (\$50) dollars, nor more than three hundred (\$300) dollars. On a second or subsequent violation, such custodian shall be fined not less than one hundred (\$100) dollars nor more than three hundred (\$300) dollars.

(Ordinance No. 4 of 1995, adopted November 14, 1995.)

Section 26:185 Exceptions

This Sub-Chapter shall not affect any person traveling or involved in interstate commerce or on public transportation, e.g., trains or buses which are licensed for interstate commerce.

(Ordinance No. 4 of 1995 adopted November 14, 1995.)

Section 26:186 Interpretation

This Sub-Chapter shall be interpreted broadly in such a manner and to give the term "reasonable errand" wide latitude.

(Ordinance No. 4 of 1995 adopted November 14, 1995.)

CHAPTER 27

SUBDIVISION REGULATIONS

Section 27:1	Division of property into plots or building sites to be accomplished in conformance with this Chapter; rules and regulations established
Section 27:2	Definitions
Section 27:3	Acts prohibited; sale of property by metes and bounds description
Section 27:4	Property owners desiring to subdivide land to submit preliminary plans; plan specifications
Section 27:5	Minimum street widths in new subdivisions
Section 27:6	Streets in new subdivisions, additional requirements
Section 27:7	Dead end streets, turning radius
Section 27:8	Numbering of lots; area and footage of all lots to conform to town's zoning ordinance
Section 27:9	Subdivision of land into tracts larger than needed for building sites, special requirements
Section 27:10	Board of aldermen to approve, conditionally approve, or disapprove preliminary plan within sixty days
Section 27:11	Conditional approval of preliminary plan
Section 27:12	Further action required on plans conditionally approved
Section 27:13	Preparation of final plan; specifications
Section 27:14	Subdivider to construct improvements; improvements required; agreement to construct improvements
Section 27:15	Finally approved plan to be recorded in the office of the clerk of court
Section 27:16	Board of aldermen may consider modifications to requirements
Section 27:17	Overruling action of the town engineer
Section 27:18	Penalties

SUBDIVISION REGULATIONS

Section 27:1 Division of property into plots or building sites to be accomplished in conformance with this Chapter; rules and regulations established

No subdivision or resubdivision of land located in the corporate limits of the town into plots or building sites will be permitted, accepted, or approved by the mayor and board of aldermen of the town, until and unless said subdivision or resubdivision shall have been accomplished in strict conformity and compliance with each and every rule, regulation, and provision of this Chapter.
(Former Section 27:1)

Section 27:2 Definitions

For the purpose of this Chapter, the following terms and words as used herein are hereby defined as follows:

(1) "Engineer" means the official engineer of the town designated by the mayor and board of aldermen of the town.

(2) "Street, avenue, road, alley, or service way" and "lot, tract, or plot" or any similar designation all mean the same for the general purposes of this Chapter.

(3) "Subdivision" means the division of a lot, tract or parcel of land into two or more lots, plots, parcels or building sites, for the purpose of sale or of building development, either immediate or future. It also includes the resubdivision or rearrangement of one or more lots, plots, parcels, or building sites.

(Former Section 27:2)

Section 27:3 Acts prohibited; sale of property by metes and bounds description

A. No plan, map, or plat of any subdivision of land shall be filed and recorded in the Office of the Clerk and Recorder of St. Landry Parish or of St. Martin Parish, until such plan, map, or plot has been accepted by the board of aldermen and the endorsement of such action by the board of aldermen, shown on the original plan, map, or plot.

B. No street number and no building permit shall be issued for the erection of any building in the above limits on any piece of property other than on an original or resubdivided lot in a duly approved and recorded subdivision without the written approval of the board of aldermen or its authorized representative.

C. No sewer, water, or gas main or pipe, or other public utility improvement shall be made nor shall any public money be expended within the lands laid out in building lots, streets or alleys, where the improvements are for the benefit of such lands until the plan, plot, or replot of such land shall have been accepted by the board of aldermen and recorded in the Office of the Clerk and Recorder of St. Landry Parish or of St. Martin Parish.

D. It shall be illegal to sell by lot and block where plan or plat has not been accepted by the board of aldermen.

E. The sale of property to be used as lots, plots, or building sites only by metes and bounds description, shall be presumed to be an attempt to evade the regulations contained in this Chapter and any such instrument shall not be eligible for filing and recording in the Office of the Clerk and Recorder for St. Landry Parish or of St. Martin Parish.

(Former Section 27:3)

Section 27:4 Property owners desiring to subdivide land to submit preliminary plans; plan specifications

Any owner or owners desiring to subdivide or resubdivide land into plats or building sites, or to dedicate streets, alleys, or land for other public purposes, shall submit a copy or print of a preliminary sketch plan to the town; before submission of the final plan thereof, which preliminary plan shall be drawn to scale of not over one hundred (100') feet to the inch and shall show:

(1) The location of all existing property lines, North point, scale, streets, alleys, buildings, water course, water mains, gas mains, culverts and other underground structures, easements and other existing features within the area to be subdivided and all tie-ins in the adjoining or abutting streets or alleys.

(2) The names of all adjoining subdivisions (if so named).

(3) The proposed location and width of all streets, alleys, and lots.

(4) The title under which the proposed subdivision is to be recorded, the name of the owner, and the name of the engineer or surveyor platting the tract.
(Former Section 27:4)

Section 27:5 Minimum street widths in new subdivisions

The minimum width for streets shall be forty (40') feet and no street shall be less than forty (40) feet in width.
(Former Section 27:5)

Section 27:6 Streets in new subdivisions, additional requirements

A. The arrangement of street in new subdivisions shall conform to the Major Street System and shall provide for the continuation of existing in adjoining subdivision (or other proper projection where adjoining property is not subdivided) insofar as they may be necessary for public requirements.

B. The width of such streets in new subdivisions shall not be less than the minimum width herein established.

C. Whenever there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided, the other half of the street or alley shall be dedicated. All streets approximately in alignment with existing streets shall bear the names of the existing streets. All other streets shall be assigned names which do not conflict with names of existing streets.
(Former Section 27:6)

Section 27:7 Dead end streets, turning radius

When a dead-end street or alley is necessary to serve a certain irregular area, due to size, shape, or topography of said area, the closed end shall provide a turning loop having a minimum, inside radius of thirty (30') feet for a street.

(Former Section 27:7)

Section 27:8 Numbering of lots; area and footage of all lots to conform to town's zoning ordinance

A. All lots, plots, or buildings sites in any original subdivision shall be numbered consecutively from one to the total number of lots in the subdivisions. The elimination of block numbers or letters is desired. All plots, lots, or building sites in any resubdivision shall be lettered a, b, c, etc. In any subdivision that is laid out and developed in units, or first and second filing, etc., the lots shall again be numbered consecutively, not duplicating any lot numbers in previous units or filings.

B. The area and front footage of all lots, plots, or building sites shall conform to the requirements of the town's zoning ordinance.

(Former Section 27:8)

Section 27:9 Subdivision of land into tracts larger than needed for building sites, special requirements

Where the area is divided into larger tracts than for normal building sites and in the opinion of the board of aldermen any or all of the tracts are susceptible of being resubdivided, the street and lot arrangement of the original subdivision shall be such that the alignment of future street dedications may conform to the general street layout in the surrounding area.

(Former Section 27:9)

Section 27:10 Board of aldermen to approve, conditionally approve, or disapprove preliminary plan within sixty days

The board of aldermen shall within sixty (60) days of its submission, either approve, conditionally approve, or disapprove such preliminary plan.

(Former Section 27:10)

Section 27:11 Conditional approval of preliminary plan

If such preliminary plan be conditionally approved, the conditions of approval shall specify and contain all of the following:

(1) Any changes the town deems necessary in order that the plan conform to the rules and regulations herein set up.

(2) That the proper final plans be submitted complying with the provisions herein prescribed for final plans.

(Former Section 27:11)

Section 27:12 Further action required on plans conditionally approved

Upon receiving conditional approval of the preliminary plan by the town, the owner or subdivider shall have the final plan prepared, containing the changes or additions ordered by the town and conforming to these regulations. The town shall execute the form showing the approval by the board of aldermen, on condition the owner enters into an agreement with and satisfactory to the board of aldermen relative to the improvement of all streets and alleys involved, and to the necessary drainage of the property.

(Former Section 27:12)

Section 27:13 Preparation of final plan: specifications

A. Upon approval of the preliminary plan, the final plan shall be submitted in ink on tracing cloth or vellum to the town. Said final plan shall be drawn on plates 18" x 24". If more than one plate is required, an index plate in skeleton of the same dimensions shall be filed showing the entire subdivision on one plate and showing the portion thereof contained on each of the other plates.

B. The final plan shall show:

(1) The title under which the subdivision is to be recorded, the name of the owner, the name of the engineer or surveyor responsible for the plan, North point, scale, and date.

(2) The boundaries of the property, the lines of all streets and alleys with their widths and names, and other portions intended to be dedicated to public use. In case of branching streets or alleys, the angle of departure from one street or alley to another shall be indicated, angles of ninety (90) or one hundred eighty (180) degrees need not be shown; but all other angles must be indicated in the proper location.

(3) The lines of the adjoining streets and alleys with their widths and names.

(4) All lot lines, lot numbers, or letters in resubdivisions and utility easements shall be shown and determined by measurements. Where there is not alley dedication, a utility easement having a minimum width of five (5) feet shall be granted and shown across the rear of all lots and as such other locations as the town or the board of aldermen deem necessary.

(5) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision in relation to some section, quarter section, or other established corner and line must be shown in order to show the relation of the subdivision boundaries to the section lines, or to corner and line acceptable to the board of aldermen. All dimensions, both linear and angular, of the streets,

alleys, lots, utility easements or other tracts or areas shall be shown. The linear dimensions shall be expressed in feet and decimals of a foot.

(6) Radii, arcs, and chords, points of tangency and central angles of all curves and rounded corners.

(7) Location and description of all monuments. A suitable permanent monument of stone, iron, or concrete shall be located at all corners, and at all angle points on the subdivision boundaries. All streets, alley, lot, or other tract corners, intersections and angle points shall be marked with iron pipe or other suitable monuments.

(8) Any restrictive covenants to apply to lots in the subdivision shall be printed or referred to on the subdivision plat or plan for recording in the Office of the Clerk and Recorder of St. Landry Parish or of St. Martin Parish.

(9) That the engineer or surveyor preparing the map or plat is licensed and registered in the state.

(10) A dedication form to be signed by the owner or owners, and the mortgagee or mortgagees, in the presence of a notary public. Any restrictive covenants to apply to lots in the subdivision that are printed or referred to on the final map or plan and shall be signed by the owner or owners and the mortgagee or mortgagees.

(11) A form for the approval of the board of aldermen.

(12) The map or plat shall not show any tract, area, strip, or any other portion of land as "Reserve" or "Reserved", all areas shall be designated by number or letter and no blank area shall be shown on the map or plat.

(13) When the area subdivided into lots, plots, or building sites lie at such a low elevation that it has been, within the past twenty (20) years, inundated or overflowed by rain or storm waters, a statement shall be printed on the subdivision map or plat setting forth these facts, and should the elevations of the land be variable, the portions that have been overflowed shall be indicated on said map or plat.

(Former Section 27:13)

Section 27:14 Subdivider to construct improvements; improvements required; agreement to construct improvements

Before approval and acceptance of the plan by the board of aldermen, an agreement shall be entered into which shall require, subject to such additional terms and conditions and such modification as the board of aldermen shall approve, the following:

(1) The owner or subdivider shall construct the necessary facilities as determined by the board of aldermen for adequate drainage of the area being subdivided, with permanent drainage structures under all streets and alleys, and all drainage structures shall be constructed in accord with plans and specifications approved by the engineer.

(2) The owner or subdivider shall grade all the streets and alleys to the grade indicated by the engineer as the future established grade. All grading shall be done in compliance with the specifications approved by the town engineer.

(3) The owner shall apply a minimum of six inches (6") of gravel fourteen (14') feet wide to all streets, and shall also provide public utilities when available, or shall have given such assurance that these improvements will be made as will be satisfactory to the board of aldermen.

(4) Other than the grading, graveling, and construction of drainage structures required under this Chapter, no person, firm, or corporation shall do any work or any act to oil or otherwise improve any street or alley except with the approval of the board of aldermen.
(Former Section 27:14)

Section 27:15 Finally approved plan to be recorded in the office of the clerk of court

The approved and accepted map, plan, or plat of any subdivision shall be recorded in the Office of the Clerk and Recorder of St. Landry Parish or of St. Martin Parish, within thirty (30) days from the date of the approval and acceptance of the board of aldermen or said approval and acceptance shall be void.
(Former Section 27:15)

Section 27:16 Board of aldermen may consider modifications to requirements

The board of aldermen hereby reserve the right to consider modifications of the requirements of this Chapter, when it is clearly evident that an extraordinary condition exists that would make it impractical and not feasible to comply with all the requirements of this Chapter.
(Former Section 27:16)

Section 27:17 Overruling action of the town engineer

Any action of the engineer hereunder can be overruled only by vote of two-thirds (2/3) of the entire membership of the board of aldermen and a vote of less than two-thirds (2/3) in favor of overruling the action of the engineer shall be deemed an approval of the action of the engineer.
(Former Section 27:17)

Section 27:18 Penalties

A. Any person, partnership, or corporation who violates any provision of this Chapter or aids

or abets in the violation of any provision of this Chapter shall be guilty of a misdemeanor and upon conviction, shall be punished in accordance with Section 1:21.

B. Each day that a violation is permitted to exist shall constitute a separate offense.
(Former Section 27:18)

CHAPTER 28 UTILITIES

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Sub-Chapter A Water

Section 28:1 Water rate schedule established

A. The following shall be the schedule of monthly charges for water furnished by the waterworks system of the town, to wit:

(1) Within the corporate limits:

- (a) For the first 3,000 gallons or fraction thereof, a minimum monthly charge of \$11.00.
- (b) For all additional gallons or fractions thereof, the rate of \$3.25 per thousand gallons.

(2) Outside of the corporate limits:

- (a) For the first 3,000 gallons or fraction thereof, a minimum monthly charge of \$12.50.
- (b) For all additional gallons or fractions thereof, the rate of \$4.45 per thousand gallons.

B. Since the issuance and sale of the waterworks revenue bonds has been predicated upon the covenant of the town to maintain such rates for the service provided by the waterworks system, shall produce income and revenues sufficient to pay the reasonable cost of operation and maintenance of said system and to pay the principal of and interest on said bonds punctually and promptly as the same shall become due, and to maintain a reasonable reserve therefor, the rates in this Sub-Chapter shall not be changed to the extent that the covenant above referred to will be impaired or adversely affected.

(Former Section 28:1)

Section 28:2 Special assessment for fire protection, water customers

There is hereby levied a special assessment of twenty-five cents (\$0.25) per month on all water customers of the town, which said assessment shall be included in the monthly bill rendered to the water customers. The proceeds from this special assessment are hereby dedicated to the town's fire department.

(Former Section 28:2)

Section 28:3 Water customers outside of corporate limits, additional charge

There is hereby levied an additional charge of fifty cents (\$0.50) per month for every customer of the town's waterworks system located outside of the town's corporate limits. The clerk is hereby authorized and directed to add this additional charge to the monthly bills distributed to these customers located outside of the corporate limits.

(Former Section 28:3)

Section 28:4 Prohibition against water being furnished without charge

No water service shall be furnished or rendered free of charge to any person, firm, or corporation whatsoever, and the town, the parishes of St. Landry and St. Martin, and the state, and every agency, department, and instrumentality thereof which may use any water or service from said waterworks system shall be charged and pay therefor at the rates fixed by this Sub-Chapter.

(Former Section 28:4)

Section 28:5 Meters required

All water furnished to customers on the town's waterworks system shall be metered and not more than one customer shall be serviced by a single meter.

(Former Section 28:5)

Sections 28:6-9 Reserved

Section 28:10 Water service deposits required of nonproperty owners; return of deposits

A. A cash deposit of one hundred (\$100.00) dollars shall be required of all persons requesting water service to any residence, small store, office, or shop where the person requesting the service is not the owner of the property where service is to be connected. Where the customer is owner of the property to be served, no deposit shall be required.

B. The deposit for water service for other types of customers whose water consumption can be reasonably be expected to be fairly large shall be set by the mayor and shall equal at least one

month's estimated water charge.

C. Deposits for water service shall be returned to the customer upon cessation of services and payment in full of bills.

(Former Section 28:10)

Section 28:11-14 Reserved

Section 28:15. Water meters to be read monthly; bills to be rendered monthly

All meters shall be read monthly, by the fifteenth (15th) of each month, and all bills shall be rendered monthly, by the first (1st) of each month.

(Former Section 28:15)

Section 28:16 Date bills due; penalties and interest if not paid on time

A. All bills for water service shall be due and payable on or before the sixteenth (16th) day of the next succeeding month in which they were distributed. All bills not paid by the tenth (10th) day of the next succeeding month shall be deemed delinquent and shall be subject to such penalties, interest and assessments as are herein set forth.

B. All delinquent charges for water service shall on the date of delinquency have added thereto a penalty of ten (10%) per cent of the amount of the charge, and the amount so due, including the penalty charge, shall, after thirty (30) days from the due date, bear interest at the rate of six (6%) per cent per annum.

(Former Section 28:16)

Section 28:17 Termination of service to customers whose bills become delinquent; reconnection charge

If any bill for water service shall be and remain as much as thirty (30) days past due and unpaid, the water service to such customer so in arrears shall be immediately disconnected and shall not be reconnected until all past due charges are paid in full, together with a reconnection charge of twenty (\$20.00) dollars.

(Former Section 28:17)

Section 28:18 Voluntary discontinuance of service; reconnection charge; removal of meters by water superintendent; re-installation fee

A. Any customer discontinuing water service of his own free will and later reconnecting the service will not be charged a fee, provided the water superintendent has not see fit to remove the meter. Meters may be removed by the superintendent any time they are not in use.

B. In case it is necessary to re-install a meter for any property (changing tenants does not affect this situation) a charge of sixty (\$60) dollars will be collected before opening the service.
(Former Section 28:18)

Section 28:19 Fee for relocating meters

A minimum fee of thirty-five (\$35) dollars is hereby established for relocating water meters. If the relocation involves a move in excess of twenty-one (21') feet, an additional charge of one dollar fifty cents (\$1.50) per foot for every foot over twenty-one (21') feet shall be assessed and added to the minimum.
(Former Section 28:19)

Section 28:20-29, reserved

Section 28:30 Tampering with water meter prohibited; customer responsible for town property

A. It shall be unlawful for any person, firm, or corporation or the agent of any person, firm, or corporation to bridge or in any way tamper with any water meter of the town or do anything to any said meter to prevent the same from registering properly and being read to show the correct amount of water that should pass through said meter and is actually used by the premises to be served by said connection in the town.

B. The customer-user of the water service shall be responsible for the town's property on the customer's premises and shall be charged for any damage to such property along with the current water bill. Upon nonpayment of the charges, the town shall direct a five (5)-day disconnection notice to the customer, and if the charges are not paid within the time provided, the service will be terminated for nonpayment.
(Former Section 28:30)

Section 28:31 Opening water meter box and turning on water, persons authorized

It shall be unlawful for any person to open a water meter box and turn on water from the town's waterworks plant, after it has been disconnected, except those who are regularly employed and duly authorized by the town do so.
(Former Section 28:31)

Section 28:32 Water tap for furnishing water to another premises

It shall be unlawful for any customer of the town water system to tap or allow any other person to tap any part of the system furnishing water to his premises, for the purpose of furnishing water to any other premises or any other household.
(Former Section 29:32)

Section 28:33 Authority to discontinue water service under hazardous conditions

A. The town may discontinue or cause to be discontinued all water service or services to any and all premises, lands, buildings, or structures where it is found that an immediate hazard exists to the purity or potability of the water supply.

B. The town is hereby authorized and directed to take such steps as necessary to determine all potential hazards to the purity or potability of the water supply which exist. Upon determining said potential hazard, the town shall immediately cause notice to go to the owner or such other person responsible for said premises, specifying said hazard, and notifying said person that in the event that said hazard is not corrected within thirty (30) days from the date of said notice, all water services shall be discontinued thereafter until the requirements of this Sub-Chapter have been complied with.

(Former Section 5:307)

Section 28:34-49 Reserved

Sub-Chapter B
Gas

Section 28:50 Gas rate schedule established

A. The following shall be the schedule of monthly charges for natural gas to be furnished by the natural gas system to the town, to-wit:

(1) Within the corporate limits:

- | | |
|---|-------------------------------------|
| (a) First 500 cubic feet of gas per month | \$9.40 minimum plus fuel adjustment |
| (b) 501 to 40,000 cubic feet of gas per month | \$9.00 Per MCF plus fuel adjustment |
| (c) Over 40,000 cubic feet of gas per month | \$8.90 Per MCF plus fuel adjustment |

(2) Outside of the corporate limits:

- | | |
|---|--------------------------------------|
| (a) First 500 cubic feet of gas per month | \$10.40 minimum plus fuel adjustment |
| (b) 501 to 40,000 cubic feet of gas per month | \$10.10 Per MCF plus fuel adjustment |
| (c) Over 40,000 cubic feet of gas per month | \$10.00 Per MCF plus fuel adjustment |

B. Since the issuance and sale of the natural gas system revenue bonds have been predicated upon the covenant of the town to maintain such rates for the service provided by the natural gas system, as shall produce income and revenue sufficient to pay the reasonable cost of operation and maintenance of said system and to pay the principal of and interest on said bonds punctually and properly as the same shall become due, and to maintain a reasonable reserve therefor, the rates in this Sub-Chapter shall not be changed to the extent that the covenant above referred to will be impaired or adversely affected.

(Former Section 28:50)

Section 28:51 Special gas rates, large customers

Any gas customer of the town's gas system that regularly uses more than 125,000 cubic feet per day shall not be billed or charged at the rates established in Section 28:50 hereof, but rather shall be billed or charged at a special rate. This special rate is hereby established at fifty (\$0.50) cents per MCF.

(Former Section 28:51)

Section 28:52 Prohibition against gas being furnished without charge

No natural gas service shall be furnished or rendered free of charge to any person, firm, or corporation whatsoever, and to town, the parishes of St. Landry or St. Martin, and the state and every agency, department and instrumentality thereof which may use any natural gas or service from said natural gas system shall be charged and pay therefor.

(Former Section 28:52)

Section 28:53-59 Reserved

Section 28:60 Customers on gas system to be separately metered

Each customer, or each user of gas, or each premises served by the gas system, must be separately metered. For instance, each apartment, whether rented furnished or unfurnished, and whether in a regular apartment house or in or on the premises of a private dwelling house, shall be deemed a separate premises requiring a separate meter.

(Former Section 28:60)

Section 28:61. Gas service deposits required of nonproperty owners; return of deposits

A. A cash deposit of one hundred fifty (\$150.00) dollars shall be required of all persons requesting gas service to any residence, small store, office, or shop where the person requesting the service is not the owner of the property where service is to be connected. Where the customer is the owner of the property to be serviced, no deposit shall be required.

B. The deposit for gas service for other types of customers whose gas consumption can reasonably be expected to be fairly large shall be set by the mayor and shall equal at least one month's estimated gas charge.

C. Deposits for gas service shall be returned for the customer upon cessation of services and payment in full of bills.

(Former Section 28:61)

Sections 28:62-64 Reserved

Section 28:65 Gas meters to be read monthly

All gas meters shall be read monthly, by the fifteenth (15th) of each month, and all bills shall be rendered monthly, by the first (1st) of each month.
(Former Section 28:65)

Section 28:66 Date bills due; date delinquent; penalties and interest on delinquent bills

A. All bills for gas service shall be due and payable on or before the sixteenth (16th) day of the next succeeding month in which they were distributed. All bills not paid by the tenth (10th) day of the next succeeding month shall be deemed delinquent and shall be subject to such penalties, interest and assessments as are herein set forth.

B. All delinquent charges for gas service shall on the date of delinquency have added thereto a penalty of ten (10%) per cent of the amount of the charge, and the amount so due, including the penalty charge, shall, after thirty (30) days from the due date, bear interest at the rate of six (6%) per cent per annum.
(Former Section 28:66)

Section 28:67 Termination of service to gas customers whose bills become delinquent; reconnection charge

If any bill for gas service shall be and remain as much as thirty (30) days past due and unpaid, the gas service to such customer so in arrears shall be immediately disconnected and shall not be reconnected until all past due charges are paid in full, together with a reconnection charge of twenty (\$20.00) dollars.
(Former Section 28:67)

Section 28:68 Fee for relocating meters

A minimum fee of thirty-five (\$35) dollars is hereby established for relocating gas meters. If the relocation involves a move in excess of twenty-one (21') feet, an additional charge of one dollar and fifty cents (\$1.50) per foot for every foot over twenty-one (21') feet shall be assessed and added to the minium.
(Former Section 28:68)

Section 28:69 Tampering with gas meter prohibited; customer responsible for town property

A. It shall be unlawful for any person, firm, or corporation or the agent of any person, firm, or corporation to bridge or in any way tamper with any gas meter of the town or do anything to any said meter to prevent the same from registering properly and being read to show the correct amount of gas that should pass through said meter and is actually used by the premises to be served by said connection in the town.

B. The customer-user of the gas service shall be responsible for the town's property on the customer's premises and shall be charged for any damage to such property along with the current gas bill. Upon nonpayment of the charges, the town shall direct a five (5)-day disconnection notice to the customer, and if the charges are not paid within the time provided, the service will be terminated for nonpayment.

(Former Section 28:69)

Section 28:70 Opening gas meter valve and turning on gas, persons authorized

It shall be unlawful for any person to turn on a gas meter valve, after it has been disconnected, except those who are regularly employed and duly authorized by the town do so.

(Former Section 28:70)

Section 28:71 Gas tap for furnishing gas to another premises

It shall be unlawful for any customer of the town gas plant to tap or allow any other person to tap any part of the system furnishing gas to his premises, for the purpose of furnishing gas to any other premises or any other household.

(Former Section 28:71)

Section 28:72-99 Reserved.

Sub-Chapter C
Sewerage

Section 28:100 Sewer service fees established

A. Monthly charges to customers utilizing the town's sewer system shall be in accordance with the following schedule:

(1) Residential

(a) For the first 3,000 gallons or fraction thereof, a minimum monthly charge of \$12.00.

(b) For all additional gallons or fractions thereof, the rate of \$2.25 per thousand gallons.

(2) Commercial

(a) For the first 3,000 gallons or fraction thereof, a minimum monthly charge of \$14.30.

(b) For all additional gallons or fractions thereof, the rate of \$1.00 per thousand gallons.

(3) School

(a) For the first 3,000 gallons or fraction thereof, a minimum monthly charge of \$61.80.

(b) For all additional gallons or fractions thereof, the rate of \$5.00 per thousand gallons.

(4) Nursing Home

- (a) For the first 3,000 gallons or fraction thereof, a minimum monthly charge of \$125.00.
- (b) For all additional gallons or fractions thereof, the rate of \$5.00 per thousand gallons.

B. The mayor is hereby authorized and empowered to prescribe rates and fix minimum charges for any special type of service not herein provided for.
(Former Section 28:100)

Section 28:101-109 Reserved.

Section 28:110. Sewer service deposits required of nonproperty owners; return of deposits

A. A cash deposit of fifty (\$50) dollars shall be required of all domestic customers, residences, small stores, offices, shops, etc. where the person requesting sewer service is not the owner of the property where service is to be connected. Where the customer is the owner of the property to be serviced, no deposit shall be required.

B. The deposit for sewer service for other than domestics shall be collected in the amount of two (2) times the monthly fee established above, or as especially established by the mayor under the authority of Section 28:100.

C. Deposits for gas service shall be returned for the customer upon cessation of services and payment in full of bills.
(Former Section 28:110)

Sections 28:111-114 Reserved.

Section 28:115 Sewers bill to be rendered monthly

Bills for sewer service shall be rendered monthly, as nearly as possible at the end of each calendar month.
(Former Section 28:115)

Section 28:116 Date bills due; date delinquent; penalties and interest on delinquent bills

A. All bills for water service shall be due and payable on or before the sixteenth (16th) day of the next succeeding month in which they were distributed. All bills not paid by the tenth (10th) day of the next succeeding month shall be deemed delinquent and shall be subject to such penalties, interest and assessments as are herein set forth.

B. If any bill for sewer service for any month shall be and remain due and unpaid after the tenth day of the next succeeding month, an additional charge of ten (10%) per cent thereof shall be

added thereto, and the amount so due, including penalty charges shall, after thirty (30) days from the due date, bear interest at the rate of six (6%) per cent per annum.
(Former Section 28:116)

Section 28:117 Termination of service to sewer customers whose bills become delinquent:
reconnection charge

If any bill for sewer service shall be and remain as much as thirty (30) days past due and unpaid, the sewer service and water and gas service to such customer so in arrears shall be immediately disconnected and shall not be reconnected until all past due charges are paid in full, together with a reconnection charge of two dollars and fifty cents (\$2.50).
(Former Section 28:117)

Sub-Chapter D
Electricity

Reserved

Sub-Chapter E
General Provisions

Section 28:130 Underground utilities notification

In accordance with the provisions of R.S. 40:1749.19, the town hereby declares that it does not desire to be included in R.S. 40:1749.14 (regional notification center) or under the provisions of the "Louisiana Underground Utilities and Facilities Damage Prevention Law", R.S. 40:1749.11 through 1749.22, as enacted by Act 923 of 1988.
(Ordinance adopted October 3, 1989)

Section 28:131 Regulations applying to any extension paid by an individual

- A. The water, gas, and/or sewer line becomes the property and responsibility of the town as soon as water, gas, and/or sewerage flows through.
- B. The town reserves the right to approve and/or designate the contractor who installs the extension.
- C. The inspector designated by the town must be employed by the individual who is extending the line.
- D. The town reserves the right to further allow other individuals to connect to the line.
- E. The right of way on private property must be secured by the individual who is extending

the line.

F. The individual who pays for the extension shall guarantee the workmanship and materials for one year.

(Ordinance adopted April 13, 1993.)

APPENDIX A

PERTINENT LAWRASON ACT PROVISIONS

SUBPART B. CLASSIFICATION OF MUNICIPALITIES

§341. Division into cities, towns, and villages

Municipal corporations shall be divided into three classes: cities, towns, and villages. Those having five thousand inhabitants or more are cities; those having less than five thousand but more than one thousand inhabitants are towns; and those having one thousand or fewer inhabitants are villages.

§342. Change in classification of municipality; governor's proclamation; census not conclusive; judicial notice

A.(1) Whenever a census taken by resolution of the board of aldermen of any municipality or a certified report from the federal Census Bureau shows that its population has increased or decreased so as to take the municipality out of its present municipal class, the board of aldermen shall adopt a resolution requesting the governor to change the classification of the municipality. The results of any census taken by resolution of the board of aldermen shall have been certified by the person authorized to take the census.

(2) Notwithstanding the provisions of this Section and the provisions of R.S. 33:341, the governing authority of a municipality may elect not to change the classification of the municipality when a census shows that its population has increased by fewer than two hundred persons since the last decennial census, but such increase would change the municipality's classification from village to town. If the governing authority, by resolution, elects to retain its classification and not change the classification as otherwise required, the mayor shall transmit a copy of the resolution to the governor and to the secretary of state for recordation. Laws applicable to municipalities based upon their population shall be applicable to a municipality that elects not to change its classification as authorized in this Paragraph based upon its population and not its classification.

B. The mayor of the municipality shall transmit the resolution to the governor. The governor shall investigate the facts; in such investigation, the governor shall not be bound by the census submitted and, if he believes the findings are inaccurate, he may ascertain the facts in any manner he deems appropriate. If the governor finds that the municipality is wrongly classified, he shall issue a proclamation correctly classifying the municipality, and such proclamation shall be transmitted to the mayor of the municipality.

C. Upon receipt of the proclamation, the board of aldermen of the municipality shall

adopt an ordinance changing the name of the municipality to reflect its new classification. A copy of the proclamation and the ordinance shall be transmitted to the secretary of state for recordation.

D. The courts shall take judicial notice of the class to which each municipality belongs.

§343. Nomenclature; village, town, or city council

A.(1) Notwithstanding the terminology used in this Part or in any other provision of law, the governing authority of any municipality governed by this Part may, by duly adopted resolution, elect to be known and referred to as a village, town, or city council as appropriate for a municipality of its size or, if the municipality elects to retain its classification as a village as authorized in R.S. 33:342(A)(2), as appropriate for its classification rather than its size.

(2) If the governing authority elects to be known as a village, town, or city council, each individual member of such council shall thereafter be known and referred to as a council member. The municipal governing authority may make other conforming changes in naming conventions, but no change pursuant to this Section shall in any way alter the applicability of state law to the municipality, its governing authority, or the members thereof.

B. The governing authority shall submit a copy of the adopted resolution to the office of the secretary of state for recordation.

SUBPART C. MUNICIPAL POWERS

§361. Municipal powers

A. Except as otherwise provided in this Part, a municipality shall be vested with all powers, rights, privileges, immunities, authorities, and duties heretofore possessed in accordance with all constitutional and statutory provisions with respect thereto. A municipality is further authorized to exercise any power and perform any function necessary, requisite, or proper for the management of its affairs not denied by law.

B. The power to perform any function necessary, requisite, or proper for the management of its affairs shall specifically include the power to levy and collect taxes and to assume indebtedness as provided by law. In this regard, the board of aldermen of a municipality may levy and collect taxes, incur debt, and issue bonds and other evidences of indebtedness as authorized by law.

§362. Exercise of municipal powers; legislative, executive

A.(1) The legislative powers of a municipality shall be vested in and exercised by the board of aldermen.

(2) The board of aldermen may:

(a) Repealed by Acts 1986, No. 1076, §2, eff. Jan. 1, 1987.

(b) Enact ordinances and enforce the same by fine not to exceed five hundred dollars or imprisonment not exceeding sixty days, or both.

(c) Provide by ordinance for assessing against the abutting property the cost of cutting, destroying, or removing noxious weeds, grass, or other deleterious, unhealthy, or noxious growths or accumulations on any sidewalk; assess on the owner of such lot or place or area the cost of cutting, destroying, or removing noxious weeds, grass or other deleterious, unhealthy, or noxious growths or accumulations within the corporate limits; and on the owner of any lot or place or area within the corporate limits the cost of cutting, destroying or removing noxious weeds, grass, or other deleterious, unhealthy, or noxious growth or accumulation on the lot or place or area; and provide for the filing of notice of such cost which shall constitute a privilege upon the property and shall be prior in rank to mortgages, vendor's privileges, and all other privileges except tax privileges.

(d)(i) Seek reimbursement from a former municipal employee on whose behalf the municipality paid licensure fees for a commercial driver's license when such employee is employed by the municipality for a period of six months or less from the date upon which the municipality paid such licensure fee on behalf of the employee. Reimbursement shall be limited to the amount of the licensure fee paid by the municipality.

(ii) The former employee of the municipality shall be liable to the municipality for an amount equal to the amount of the licensure fee paid by the municipality.

(3) Subject to law, including R.S. 33:423.2 and 423.3, and applicable civil service rules and regulations, the board of aldermen shall, by ordinance, provide policies and procedures regulating the employment of municipal employees including the hiring and firing of such employees.

B. The mayor shall be the chief executive officer of the municipality.

C. Any department of a municipality, other than the police department in a municipality with an elected chief of police, shall be created, abolished, merged, or consolidated by the board of aldermen, upon written recommendation of the mayor.

SUBPART D. SELECTION OF MUNICIPAL OFFICERS

§381. Municipal officers

A. The officers of every municipality shall be a mayor, aldermen, a chief of police, a tax collector, and a clerk.

B. The mayor and chief of police in all municipalities shall be elected at large. The clerk or chief of police may be a tax collector or assessor, if the board of aldermen so decides. Municipalities where the chief of police is appointed rather than elected as of August 1, 1970,

may continue to operate with an appointive chief.

* * *

§381.1. Election or appointment of marshal

The marshal who is the chief of police in such municipalities shall be elected at large, provided that, notwithstanding any other provisions of law to the contrary, a majority of the qualified electors voting therein may, at a special election called by the board of aldermen for that purpose, authorize the mayor to thereafter appoint a marshal with the approval of the board of aldermen. Such special election shall be called only upon the presentation of a petition, directed to the board of aldermen and signed by at least twenty-five percent of the qualified electors of the municipality. Once such an election has been called and held, no further or other election on the same question shall be held for at least four years.

If the people of any municipality vote to authorize the mayor to appoint the marshal, the first such appointment shall be made at the end of the term of the marshal in office at the time the election was held unless at that time the office of marshal is vacant or the incumbent is an appointed official.

Upon the expiration of at least four years after the effective date of any such determination that the marshal shall be an appointed rather than an elected official the people of any such municipality may determine that said official shall be elective, but only in the same manner and through the same petition and election procedure as hereinabove set forth.

§381.2. Election or appointment of marshal in municipalities of five thousand or less

A. Notwithstanding the provisions of R.S. 33:381 and 381.1 to the contrary, in any municipality with a population of five thousand or less according to the latest federal decennial census, a majority of the qualified electors voting therein may, at a special election called by the governing authority of the municipality for that purpose, authorize the mayor to thereafter appoint a marshal who is the chief of police with the approval of the governing authority or provide for the election of a marshal who is the chief of police. Such special election shall be called only upon the adoption of an ordinance by a two-thirds vote of the governing authority. Once such an election has been called and held, no further or other election on the same question shall be held for at least four years.

B. If the people of any municipality vote to authorize the mayor to appoint the marshal, the first such appointment shall be made at the end of the term of the marshal in office at the time the election was held unless at that time the office of marshal is vacant or the incumbent is an appointed official. If the people of any municipality vote to elect the marshal, the term for the elected marshal shall begin at the end of the term of the marshal in office at the time the election was held unless at that time the office of marshal is vacant.

C. Upon the expiration of at least four years after the effective date of any such determination that the marshal shall be an appointed rather than an elected official or an elected rather than an appointed official, the people of any such municipality may determine that said official shall be elected or appointed, as the case may be, but only in the same manner and through the same procedure as hereinabove set forth.

§383. Municipal elections; term of office; filling vacancies; officers holding over under new form of government

A.(1) Except as provided in Paragraph (2) of this Subsection and R.S. 33:383.2, municipal elections shall be held every four years on the date for municipal and ward elections in accordance with R.S. 18:402(C). The officers elected shall take office on the first day of July following their election and shall hold their office for four years.

(2)(a) Any municipality by ordinance of the governing authority may adopt a plan for holding municipal elections at the congressional elections in accordance with R.S. 18:402(B). Any plan so adopted shall be filed with the secretary of state not less than one year prior to the opening of the qualifying period for the congressional primary election at which municipal officers shall be elected initially under the plan. This election shall be the first congressional primary election after termination of the terms of office to which municipal officers in office on the effective date of this Subsection were elected.

(b) No such plan shall be revocable by the governing authority.

(c) Any municipality that complies with the provisions of this Paragraph may hold municipal elections at the congressional elections in accordance with R.S. 18:402(B).

(d) The officers elected shall take office on the first day of January following their election and shall hold their office for four years.

B. If no election is held on the day herein prescribed or if a vacancy in any municipal office elective by the people occurs or if an officer elected fails to qualify, such vacancy shall be filled in accordance with the provisions of Article VI, Section 13 of the Constitution of Louisiana or as otherwise provided by law.

C. Any vacancy in a municipal office to which the officer is elected or appointed by the mayor and board of aldermen may be filled for the term by the mayor and board of aldermen at any regular or special meeting.

D. Officers of a municipality who are in office when the municipality elects to come under the provisions of this Part under R.S. 33:322, shall retain their offices until the first election under this section, with the powers of like offices under this Part.

§384. Qualifications of mayor

The mayor shall be an elector of the municipality who at the time of qualification as a

candidate for the office of mayor shall have been domiciled and actually resided for at least the immediately preceding year in the municipality.

§385. Qualifications of alderman; vacancies; office holding; contracting

A. The qualifications of the aldermen shall be the same as are prescribed for the mayor, and in addition, those elected from wards must be residents of their respective wards.

B. A vacancy in the office of alderman shall be filled pursuant to R.S. 18:602. In the event of a tie vote in filling a vacancy, the mayor as the presiding officer shall vote to break the tie. If the mayor fails or refuses to do so, the members of the board of aldermen shall notify the governor of the existence of the vacancy, and within ten days after he receives the notice, the governor shall make an appointment to fill the vacancy.

C. No member of the board of aldermen shall hold any other office or employment under the municipal government while he is a member of the board, except as is provided for in R.S. 33:381 and R.S. 33:386. No member of the board of aldermen, or any other officer of the corporation, shall be directly or indirectly interested in any work, business, or contract the consideration of which is to be paid from the treasury of the municipality, nor be surety for any person having a contract, work, or business with the municipality, for the performance of which security may be required, nor be surety for any officer or employee...

* * *

§385.1. Qualifications of elected chief of police

A. ... an elected chief of police of a municipality shall be an elector of the municipality. At the time of qualification as a candidate for the office of chief of police, he shall have been domiciled for at least the immediately preceding year in the municipality...

* * *

§386. Appointment of municipal officials; bond required

A. At the first regular meeting of the board of aldermen succeeding each regular municipal election, the mayor, subject to confirmation by the board of aldermen, shall appoint a clerk, tax collector, except as provided for in R.S. 33:381(D), and all other necessary officers whose election is not provided for in R.S. 33:381. In the event of a vacancy, the mayor, subject to confirmation by the board of aldermen, shall appoint a successor to any such office. In making or approving such appointments and in filling vacancies, the mayor and board of aldermen shall give preference to residents of the municipality if all other considerations are equal.

B. The clerk and the tax collector shall execute bonds to the municipality in such amounts and with such surety and conditions as may be prescribed by ordinance and shall hold their offices until their successors are appointed and qualified.

C. The mayor, subject to confirmation by the board of aldermen, may appoint and fix compensation for an attorney at law for the municipality, whose duties in such capacity may include representation of all municipal officers as defined by R.S. 33:381(A) in actions against them in connection with and arising out of their functions as such officers, and other duties as prescribed by the mayor. The municipality may also employ counsel to represent its interest should the occasion require.

D. The term of the clerk, tax collector, nonelected chief of police, street commissioner, municipal attorney, and court magistrate shall end at the time of the first regular meeting of the board of aldermen succeeding each regular municipal election.

SUBPART E. FUNCTIONS OF MAYOR AND BOARD OF ALDERMEN

§404. Duties of mayor

A. The mayor shall have the following powers, duties, and responsibilities:

(1) To supervise and direct the administration and operation of all municipal departments, offices, and agencies, other than a police department with an elected chief of police, in conformity with ordinances adopted by the board of aldermen and with applicable provisions of state law; however, no such ordinance may limit the authority granted to the mayor by this Paragraph. All administrative staff shall be subordinate to the mayor.

(2) To delegate the performance of administrative duties to such municipal officers or employees as he deems necessary and advisable.

(3) Subject to applicable state law, ordinances, and civil service rules and regulations, to appoint and remove municipal employees, other than the employees of a police department with an elected chief of police. However, appointment or removal of a nonelected chief of police, the municipal clerk, the municipal attorney, or any department head shall be subject to approval by the board of aldermen, except that in the case of a tie vote, the recommendation of the mayor shall prevail. Furthermore, selection or removal of any person engaged by a municipality to conduct an examination, review, compilation, or audit of its books and accounts pursuant to R.S. 24:513 shall be subject to approval by the board of aldermen of that municipality.

(4) To sign all contracts on behalf of the municipality.

(5) To prepare and submit an annual operations budget and a capital improvements budget for the municipality to the board of aldermen in accordance with the provisions of R.S. 39:1301 et seq. and any other supplementary laws or ordinances.

(6) To represent the municipality on all occasions required by state law or municipal

ordinance.

(7) To be the keeper of the municipal seal and affix it as required by law.

(8) To sign warrants drawn on the treasury for money, to require that the municipal clerk attest to such warrants, to affix the municipal seal thereto, and to keep an accurate and complete record of all such warrants.

(9) To have any other power or perform any other duty as may be necessary or proper for the administration of municipal affairs not denied by law.

B. The provisions of this Section shall not be construed to alter, affect, or amend any powers, duties, and functions of any elected chief of police as set forth in R.S. 33:423, R.S. 33:423.2, and R.S. 33:423.3.

§404.1. Compensation of municipal officers

The board of aldermen shall by ordinance fix the compensation of the mayor, aldermen, clerk, chief of police, and all other municipal officers. The board of aldermen may by ordinance increase or decrease their compensation and the compensation of any nonelected municipal officer and may increase the compensation of other elected officials. However, the board of aldermen shall not reduce the compensation of any elected official during the term for which he is elected.

§405. Meetings of board of aldermen; notice; quorum; compensation

A.(1) The mayor shall preside at all meetings of the board of aldermen, and in case there is an equal division, he shall give the deciding vote.

(2) The mayor and board of aldermen shall hold not less than one regular meeting in each month on a date and at a place and hour to be fixed by ordinance. The board shall give public notice of the contents of this ordinance pursuant to R.S. 42:19.

(3) The board of aldermen shall select one of the aldermen to be mayor pro tempore, who shall preside at all meetings in the absence of the mayor, have the same power, and perform all duties of the mayor in the absence or disability of the mayor, except the veto power of the mayor. In the absence of both the mayor and the mayor pro tempore, the board may select another alderman to preside temporarily and perform the duties of the mayor.

(4) The mayor shall notify the mayor pro tempore when he shall be absent from the municipality. The mayor pro tempore shall notify the alderman who has been selected to perform the duties of the mayor when he and the mayor shall both be absent from the municipality.

B. Newly incorporated municipalities may hold their first meeting at such time and place as may be most convenient, but thereafter shall meet regularly at a specified date, place, and hour formally designated by ordinance.

C. Special meetings of the mayor and board of aldermen may be called by the mayor or a majority of the members of the board. The board shall establish by ordinance how notice of special meetings shall be provided to members of the board and the mayor. The notice for a special meeting shall specify the business to be considered at the special meeting. Public notice shall be given as provided in R.S. 42:19. Notwithstanding any other law to the contrary and pursuant to Act No. 131 of the 2008 Regular Session of the Legislature, an item which is not on the meeting agenda may be considered by the mayor and the board of alderman only after a unanimous vote of consent by the board and only after announcing the purpose of the item and allowing anyone in the audience to speak on the item.

D.(1) In cases of extraordinary emergency, as defined in R.S. 42:17(A)(5), the mayor or any alderman may call an emergency meeting of the board of aldermen. The members of the board and the mayor shall be notified of the meeting in the most practical manner available, and the purpose of the meeting may be stated in general terms. Notice of the meeting shall be given as provided in R.S. 42:19.

(2) The board may adopt an ordinance at an emergency meeting that it has not previously considered. The ordinance shall specify the nature of the emergency, and a two-thirds vote of members of the board shall be required for its adoption. No emergency ordinance can continue in force for more than sixty days and any emergency ordinance that specifies a longer duration or no duration shall become void sixty days after it becomes effective.

E. A majority of the members of the board of aldermen shall constitute a quorum of the board at any meeting, whether regular, special, or emergency.

F. A meeting, whether regular, special, or emergency, may be continued to another date announced at the meeting with the consent of a majority of the members of the board. A regular, special, or emergency meeting that fails for want of a quorum may be continued to a date announced at the meeting with the consent of the majority of aldermen present or, if only one alderman is present, to the date he announces, but a meeting that fails for want of a quorum shall not be continued but once.

G. All meetings of the board of aldermen shall be subject to the provisions of R.S. 42:11 et seq.

§406. Enactment, recording, and publication of ordinances and resolutions

A.(1) Any law enacted by a board of aldermen shall be by ordinance. The style of all ordinances shall be: "Be it ordained by the board of aldermen of the City (or Town or Village, as

the case may be) of " No ordinance shall be adopted except by the affirmative vote of a majority of the members of the board.

(2) Any act of the board which is not law shall be by resolution. A resolution shall be approved by an affirmative vote of a majority of the members of the board present at a meeting. No resolution shall require the signature or other action of the mayor to become effective.

(3) Any act of the board which would provide for the appropriation of funds, the incurrence of debt, or the issuance of bonds or other evidences of indebtedness shall be by ordinance. Notwithstanding the provisions of Paragraph (2) of this Subsection, the board may by resolution adopted by the affirmative vote of a majority of the members of the board require the expenditure of funds previously appropriated. Such resolution shall be presented to the mayor within three days after its adoption for his approval or disapproval in accordance with and subject to Subsection C of this Section.

B.(1) A proposed ordinance may be introduced by any alderman at any board meeting. Each proposed ordinance shall be in writing. An ordinance shall contain only one subject which shall be indicated in its title except for ordinances involving the annual operating budget, a capital improvements budget, or a codification of municipal ordinances.

(2) After a proposed ordinance has been introduced, copies of it shall be provided to all members of the board and the mayor. The title of a proposed ordinance, except those specifically authorized by R.S. 33:405(D), shall be published once in the municipality's official journal. The notice shall indicate the time and place where the board will consider its adoption. No ordinance, except one authorized by R.S. 33:405(D), shall be adopted until a public hearing on it has been held. No ordinance, except one authorized by R.S. 33:405(D), can be adopted at the meeting at which it is introduced.

(3) Each proposed amendment to an ordinance shall be presented in writing or reduced to writing before its final consideration. An amendment to a proposed ordinance shall not nullify the purpose of the proposed ordinance nor, except for ordinances involving the annual operating budget, a capital improvements budget, or a codification of municipal ordinances, add a new subject matter to it.

(4) A proposed ordinance shall be read by the title when called for final passage. The vote on an ordinance at final passage shall be taken by "yeas" and "nays", and the municipal clerk shall enter the names of the aldermen voting for and against each proposed ordinance or amendment on the municipal minutes.

C.(1) Every ordinance adopted by the board of aldermen shall be signed by the municipal clerk and presented by the municipal clerk to the mayor within three days after its adoption.

(2) The mayor, within ten days of receipt of an ordinance, shall return it to the municipal

clerk with or without his approval, or with his disapproval. If the ordinance is approved by the mayor or is returned by the mayor with neither his approval nor disapproval, the ordinance shall become law upon its return to the municipal clerk. If the mayor fails or refuses to return an ordinance to the municipal clerk within ten days of receipt of an ordinance, it shall become law at midnight of the tenth day after the receipt of the ordinance by the mayor. If the mayor disapproves the ordinance, he shall, within ten days after receipt of the ordinance, return the ordinance along with his written statement of the reasons for his veto to the municipal clerk for transmittal to each member of the board of aldermen. The municipal clerk shall record upon each ordinance the date of its delivery to the mayor and the date of receipt from the mayor, if any.

(3) An ordinance vetoed by the mayor shall be considered again by the board of aldermen at its next regular meeting after the veto. The board may vote on the ordinance at that meeting or at a continuance of that meeting. If a board consists of three members, an affirmative vote by all board members shall be required to override a mayor's veto. If a board consists of more than three members, an affirmative vote of two-thirds of the board's members shall be required to override a mayor's veto. If a board overrides an ordinance vetoed by a mayor, the ordinance becomes law upon its enactment by the board.

D.(1) The municipal clerk shall keep a book entitled "Ordinances, City (or Town, or Village) of" in which he shall file the original of every ordinance which has been adopted by the board immediately after its passage and attach a note to the ordinance stating the date of its enactment and a reference to the book and page of the board's minutes containing the record of its adoption.

(2) The municipal clerk shall publish each ordinance adopted by the board of aldermen once in the official journal of the municipality, designated pursuant to R.S. 43:141 through R.S. 43:149, within twenty days of its adoption and prior to its effective date, except as otherwise provided in R.S. 33:405(D).

E. Unless an ordinance specifies an earlier or later effective date, the ordinance shall take effect on the thirtieth day after the meeting in which the ordinance was adopted.

F. Only the board may suspend an ordinance, and then only by the same vote and, except for mayoral veto, according to the same procedures and formalities required for enactment of that ordinance. After January 1, 1986, every resolution suspending an ordinance shall fix the period of suspension, which shall not exceed beyond one year and thirty days after the date of the meeting in which the ordinance was suspended.

SUBPART F. FUNCTIONS OF OTHER MUNICIPAL OFFICIALS

§421. Duties of clerk; records to be kept

The clerk shall keep a book to be labeled "Municipal Minutes, City of _____," or "Town of _____," or "Village of _____," as the case may be, in which he shall record the proceedings of the mayor and board of aldermen, and keep the same fully indexed alphabetically, so that all entries on the minutes can be easily found. The clerk shall be the custodian of the municipal seal, which each municipality shall adopt and provide. The clerk shall keep a book, to be styled "Municipal Docket, City of _____," or "Town of _____," or "Village of _____," as the case may be, upon which he shall enter each claim against the municipality, and each subject matter to be acted upon by the mayor and board of aldermen. After each meeting he shall make up such docket for the next regular meeting. He shall examine the statutes of the State and the ordinances of the municipality to ascertain subject matter required or proper to be acted upon at the following meeting, and shall docket all such matters. He shall keep such other books and records as may be provided for by ordinance, and shall file in his office and preserve all records and papers appertaining to the business of the municipality. He shall keep a book to be styled "Tax Record, City (or town, or village) of _____," in which he shall enter all deeds to individuals, and the list of lands sold to the municipality by the tax collector, showing (a) description of the land, (b) as whose property sold, (c) date of sale, (d) amount of taxes, costs, and damages due, and to whom the costs are owing, (e) when redeemed, (f) by whom redeemed, (g) date of redemption, and (h) amount paid therefor.

§422. Clerk to act as auditor; paying fines and forfeitures into treasury; inspection of auditor's books

The clerk shall be the auditor of the municipality. He shall keep a book in which he shall enter and preserve accounts of each particular fund, and the accounts of each municipal officer. The treasurer shall not receive money from any source until the same has been reported to the clerk and audited, and a receipt warrant issued therefor. All fines and forfeitures shall be reported by the officer collecting the same, immediately after such collection, and be paid into the treasury. The books of the auditor shall be subject to inspection by the taxpayers of the municipality at any time during business hours.

§423. Duties of marshal

A. The marshal shall be the chief of police and shall be ex officio a constable. He shall have general responsibility for law enforcement in the municipality, and shall be charged with the enforcement of all ordinances within the municipality and all applicable state laws. He shall perform all other duties required of him by ordinance. In those municipalities governed by the provisions of this Part, R.S. 33:321 et seq., which have a chief of police elected by the qualified voters thereof, he shall make recommendations to the mayor and board of aldermen for appointment of police personnel, for the promotion of officers, to effect disciplinary action, and for dismissal of police personnel. Such nominations or recommendations are to be made regardless of race, color, disability, as defined in R.S. 51:2232(11), or creed.

B. The provisions of Subsection A of this Section shall not be construed to limit or restrict the provisions of R.S. 33:423.3.

C.(1)(a) Notwithstanding the provisions of Subsection A of this Section or any other law to the contrary, the elected chief of police of any municipality governed by the provisions of this Part is authorized to immediately effect disciplinary action on police personnel and to dismiss any such personnel subject to the approval of the governing authority of the municipality. Any such disciplinary action or dismissal shall be deliberated by the governing authority at the first special or regular meeting of the governing authority after any such determination has been made by the chief of police.

(b) Notwithstanding any other provision of law to the contrary, the elected chief of police in any municipality with a population of not less than one thousand persons and not more than one thousand five persons as of the latest federal decennial census is authorized to effect disciplinary action on police personnel without the approval of the governing authority of the municipality.

(2)(a) The chief of police is additionally authorized to make a provisional appointment to immediately fill any vacancy in the police department occurring by reason of death, resignation, termination, or otherwise subject to the approval of the mayor of the municipality. Any such action taken by the chief of police shall be deliberated at the first special or regular meeting of the governing authority of the municipality after any such provisional appointment has been approved by the mayor. Any such provisional appointment shall remain in effect unless rejected by the governing authority of the municipality.

(b) Notwithstanding any other provision of law to the contrary, the elected chief of police in any municipality with a population of not less than one thousand persons and not more than one thousand five persons as of the latest federal decennial census is authorized to appoint police personnel, including the authority to make provisional appointments, subject to the budgetary limitations of the chief of police pertaining to the number of allotted positions for the police department. All appointments shall be subject to the concurrence of the mayor of the municipality.

§424. Duties of tax collector; liability for shortage of funds; cancellation of bond

The tax collector shall collect, account for, and pay over all taxes levied by the municipality, and perform all other duties required of him by ordinance, or such as may be required by law of collectors of parish and state taxes, under the same penalties prescribed by law for the collection of state and parish taxes. The tax collector, and the sureties on his official bond, shall be liable to the municipality for any defalcation, shortage or embezzlement of, or failure to account for, funds of the municipality collected by him, until he has obtained a quietus or discharge from the municipality for the amount of such collections, and for all public money with which he may have been entrusted. Notwithstanding his term as tax collector may have

expired, the aforesaid liability of the tax collector, and the sureties on his official bond, shall be a continuing liability enforceable by the municipality against any property of the tax collector, and that of the sureties on his official bond, standing of record in his or their names at the date of the discovery of such defalcation, shortage, embezzlement or failure to account for, said funds, and until such quietus or discharge has been obtained, and regardless of whether the official bond has been placed on record or not.

If the surety on the bond should be an indemnity company authorized to do business in this State, or if there are personal sureties, it or the personal sureties, or either of them, or the tax collector, may proceed by rule, taken contradictorily with the municipality in the district court, to obtain a quietus from the municipality, and a cancellation of the official bond, if more than two years have elapsed from the date of the discovery of any defalcation, shortage or embezzlement of, or failure to account for, any funds of the municipality, without legal action having been taken by the municipality to collect the sum or sums representing the alleged defalcation, shortage or embezzlement of, or unaccounted for, funds, from the tax collector or his sureties.

The obligations imposed by this Section upon the tax collector, and the sureties on his official bond, and the measure of their respective liabilities on the bond as defined in this Section and the effect thereof upon the respective properties of such tax collector, or sureties, shall be implied conditions of the bond fully binding and enforceable against the tax collector and sureties on his bond and their respective properties, as though the same had been specially written therein.

§425. Duties of treasurer

The treasurer shall receive, safely keep, and pay out according to law, all monies belonging to the municipality. He shall keep accurate accounts of all receipts and disbursements, and shall make report, in writing to the mayor and board of aldermen, at each regular meeting, of the finances of the municipality; shall perform all other duties that may be prescribed by ordinance; and shall pay out money only on the warrant issued by the order of the mayor and board of aldermen.

§426. Street commissioner's duties

The mayor may appoint a street commissioner subject to confirmation by the board of aldermen. The street commissioner shall, under the direction of the mayor and board of aldermen, have general control of the streets, alleys, avenues, and sidewalks; he shall see that they are always in proper repair; he shall have them worked, repaired, altered, paved, lighted, sprinkled, and everything else done that ought to be done to keep them in good repair and condition; and he shall perform all other duties as directed by the mayor.

SUBPART G. MUNICIPAL COURTS

§441. Mayor's court

A.(1) Except as provided in Chapter 7 of Title 13 of the Louisiana Revised Statutes of 1950, there shall be a mayor's court in the municipality, with jurisdiction over all violations of municipal ordinances. The mayor may try all breaches of the ordinances and impose fines or imprisonment, or both, provided for the infraction thereof. Notwithstanding any other provision of law to the contrary, the mayor may also impose court costs not to exceed thirty dollars for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance. The mayor may authorize that a portion of court costs assessed be deposited into a special account and transmitted to the Louisiana Association of Chiefs of Police to be used for law enforcement education and training as required by Louisiana law.

(2) The mayor may suspend the execution in whole or in part of a fine or imprisonment, or both, imposed for violation of a municipal ordinance and place the defendant on unsupervised or supervised probation with such conditions as the mayor may fix and, at any time during the probation, modify, add, or discharge. The probation shall be for a period as the mayor shall specify up to one year. The mayor may terminate or revoke the probation at any time. At the termination of the probation, the mayor may set the conviction aside and dismiss the prosecution.

(3) Notwithstanding any other provision of law to the contrary, when a defendant has been convicted of violation of a municipal ordinance, the mayor may suspend the imposition or the execution of the whole or any part of the sentence and place the defendant on unsupervised probation upon such conditions as the mayor may fix. Such suspension of sentence and probation shall be for a period of six months or such shorter period as the mayor may specify. But in no case shall the probationary period imposed exceed the maximum penalty of imprisonment that may be imposed for violation of a particular ordinance.

B.(1) Notwithstanding any other provision of law to the contrary, the board of aldermen in its discretion may, upon request of the mayor, appoint one or more attorneys who shall be designated as court magistrate and who shall serve at the pleasure of the mayor and may from time to time be designated by the mayor to serve in his stead as the presiding official over the mayor's court. Whenever a magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court. The board of aldermen shall fix and pay the salary of each magistrate, if any are appointed.

(2) Notwithstanding any other provision of law to the contrary, the board of aldermen in its discretion may, upon request of the mayor, appoint one or more attorneys who shall be designated as prosecutor and who shall serve at the pleasure of the mayor. The board of aldermen shall fix and pay the salary of each prosecutor, if any are appointed.

C.(1) The mayor shall have the power of a committing magistrate.

(2) The presiding officer of a mayor's court shall be entitled to judicial immunity for his

official acts as presiding officer in the same capacity as a judge in this state.

§442. Docket of mayor's court; marshal

The mayor shall keep a regular docket, on which he shall enter the causes arising under the ordinances and to be tried by him. He shall keep a perfect record of all cases tried. He may hold his court at any time. The marshal shall attend the court and serve its process and act as its executive officer.

**SUBPART H. LEVYING AND COLLECTION OF
TAXES; EXPENDITURE OF FUNDS**

§461. Assessment and collection of municipal taxes; tax sales; sale to municipality

A.(1)(a) The municipal assessment of property for taxation shall be made by the clerk or tax collector, by copying from the parish assessment rolls that portion which embraces property or persons within the corporate limits. The copy may be made at any time after the assessment rolls are approved, and all changes in the parish assessment thereafter made shall likewise be made in the copy. The copy shall be placed in the hands of the municipal tax collector and be his warrant for the collection of municipal taxes.

* * *

(2) In all cases where persons or property have escaped taxation for a previous year, the clerk shall assess the same for taxation, and his assessment, when approved by the mayor and board of aldermen, on notice to the person assessed, shall be binding and conclusive, unless appealed from within five days after their approval.

(3) The mayor and board of aldermen shall levy the municipal taxes at the regular meeting in September of each year, or, in case of failure to do so, at any other regular meeting thereafter.

(4)(a) The tax collector shall collect municipal taxes during the time and in the same manner and under the same penalties as the state and parish taxes are collected. He shall, where not otherwise provided, in all particulars, be governed by the general revenue laws of this state, so far as applicable, in making such collection; but he shall make the reports thereby required to the mayor and board of aldermen, and shall pay over the money collected to the municipal treasurer; and shall receive only such commission or compensation as may be allowed by ordinance.

* * *

B.(1) Sales for the nonpayment of municipal taxes shall be made by the tax collector at such place, within the corporate limits as the mayor and board of aldermen may direct. The sale of real estate and the distraint and sale of personal property shall be made upon the same notice, at the same time, and in the same manner as provided by law for sale of like property for unpaid state and parish taxes.

(2) The deed to the purchasers for lands so sold shall be filed with the parish clerk of court, and there remain subject to redemption for the same length of time, and in the same manner as prescribed for the redemption of land sold for state and parish taxes.

(3) Where lands are offered for sale for unpaid municipal taxes, and a person will not bid therefor, the amount of taxes, damages, and costs due the same shall be struck off to the municipality, and otherwise dealt with as lands which are sold to the state for delinquent state and parish taxes. The board may pay the state and parish taxes on lands thus acquired by it, and collect the money thus paid, with the damages and interest allowed individuals in similar cases under the general revenue laws of the state thereon, from the date of such payment, upon the redemption of the lands from the municipal sale.

(4) The deeds of the tax collectors to individuals and a list of the lands sold to the municipality, which shall be made as required to be made by the state and parish collector, shall be filed within ten days after the tax sale, with the municipal clerk. Each shall have the same force and effect, and confer the same right, and be entitled to the same remedies, as deeds and lists made for delinquent taxes by the state and parish tax collector, but such title shall be subject to a title acquired under a sale for state and parish taxes.

* * *

§462. Expenditures pursuant to appropriation; warrants

All expenditures of money for any purpose whatever shall be in pursuance of a specific appropriation made by order and in no other manner and shall be made in accordance with the provisions of R.S. 38:2211 et seq. Every warrant drawn on the treasury shall express on its face to whom issued and for what purpose allowed; and the ordinance authorizing its issue shall be cited by minute book and page, in or upon it.

§463. Annual financial statement

The mayor and board of aldermen shall produce an annual financial statement of the municipality in accordance with generally accepted accounting principles. The minutes of the board shall acknowledge that the financial statements have been produced and are available for public inspection. A copy of the annual financial statement shall be transmitted to the legislative auditor within six months of the close of the fiscal year.

RESOLUTION

A RESOLUTION TO AMEND AND REENACT A CODE OF ORDINANCES OF THE TOWN OF ARNAUDVILLE, LOUISIANA.

WHEREAS, Article VI, Section 10, of the Louisiana Constitution of 1974 mandates that the governing authority of each political subdivision adopt a code which contains all of the general ordinances of the political subdivision; and

WHEREAS, the mayor and board of alderman of the Town of Arnaudville have caused to be compiled and prepared by Jerry J. Guillot, Attorney at Law, an ordinance setting forth a code updating and revising the "Code of Ordinances of the Town of Arnaudville, Louisiana", dated December, 1974, which was adopted on April 1, 1975, and including all general ordinances of the Town of Arnaudville which consists of twenty-eight chapters, all of which have been examined, considered and approved by the mayor and board of alderman of the Arnaudville; and

WHEREAS, Louisiana Revised Statutes Title 33, Sections 1361 et seq. provide the procedure for the adoption of a revised code of ordinances.

THEREFORE BE IT RESOLVED by the mayor and board of alderman of the Town of Arnaudville convened in regular session on this 20th day of September, 2011, that the ordinance setting forth a code of all general ordinances of the Town of Arnaudville which was prepared by Jerry J. Guillot, Attorney at Law, and which consists of twenty-eight chapters, all of which have been examined, considered and approved by the mayor and board of aldermen of the Town of Arnaudville be and is hereby adopted in compliance with Louisiana Revised Statutes Title 33, Sections 1361 et seq.

The above resolution has been read and considered, and upon a vote being taken, the following result was had:

YEAS:

NAYS:

ABSENT:

Whereupon the mayor declared the above resolution duly adopted on this 20th day of September, 2011.

Dolores Quebedeaux
Clerk

Kathy M. Richard
Mayor

TOWN OF ARNAUDVILLE

September 20, 2011

The board of aldermen of the Town of Arnaudville, Louisiana met this day in regular session, with Mayor Richard presiding, and with Aldermen Guidry, Lagrange, Meche, Navarre, and Stelly present.

It was moved by Alderman _____ and seconded by Alderman _____ that the following Ordinance, which was first introduced by Alderman _____ and copies thereof furnished to the mayor and each member of the board of aldermen during the regular session of the board of aldermen held on August 16, 2011; the title of which and notice relative thereto was published on _____, 2011 in the official journal; with respect to which a public hearing was held today; and the title of which was read today, be adopted,

AN ORDINANCE

AMENDING AND REENACTING A CODE OF ORDINANCES OF THE TOWN OF ARNAUDVILLE, LOUISIANA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREAFTER PROVIDED; AND PRESCRIBING PENALTIES AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE, AND PROVIDING WITH RESPECT TO RELATED MATTERS.

BE IT ORDAINED by the board of aldermen of the Town of Arnaudville, Louisiana, in public session convened that:

Section 1. A revision of the code and uncodified ordinances of the Town of Arnaudville, attached hereto, is hereby adopted as the "Code of Ordinances, Town of Arnaudville, Louisiana."

Section 2. This Code shall be treated and considered as a new and comprehensive ordinance of this town which shall supersede all other general and permanent ordinances enacted prior to August 16, 2011, and the "Code of Ordinances of the Town of Arnaudville", Louisiana, dated December, 1974 and adopted on April 1, 1975, except such as by references thereto are expressly

saved from repeal or continued in force and effect for any purpose.

Section 3. This Code shall be in full force and effect ten (10) days from the date this ordinance becomes law, and all ordinances of a general and permanent nature of this town enacted on final passage on or before August 16, 2011, and not in such Code or recognized and continued in force by reference herein and which are in conflict herewith are hereby repealed from and after the effective date of this Code, except as hereinafter provided.

Section 4. The repeal provided for in Section 3 hereof shall not affect any offense or act committed or done or any penalty of forfeiture incurred or any contract or right established or accruing before the effective date of this Ordinance; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the town or authorizing the issuance of any bonds of the town or any evidence of the town's indebtedness, or any contract entered or obligation assumed by or in favor of the town; nor shall such repeal affect the administrative regulations or resolutions of the mayor and board of aldermen not in conflict or inconsistent with the Code; nor shall such repeal affect any right or franchise granted by any ordinance or resolution of the mayor and board of aldermen to any person, firm or corporation; nor shall such repeal affect any ordinance dedicating, naming, establishing, locating, relocating, opening, widening, vacating, etc., any street or public way in the town; nor shall such repeal affect the annual budget or appropriations ordinance; nor shall such repeal affect any ordinance levying or imposing taxes; nor shall such any street in the town; nor shall such repeal affect any ordinance providing for local improvements and assessing charges therefor; nor shall such repeal affect any ordinance dedicating or accepting any plat or subdivision in the town; nor shall such repeal affect any ordinance extending the limits of the town; nor shall such repeal affect any ordinance or resolution fixing salaries of officers and employees; nor shall such repeal affect any zoning ordinance; nor shall such repeal affect any ordinance or resolution regulating the erection, alteration, repair, demolition, moving or removal of buildings or other structures; nor shall such repeal affect any ordinance or resolution prescribing traffic regulations for specific locations, parking limitations, parking prohibition, one-way traffic, or limitations on loads of vehicles or loading zones, not inconsistent with this Code; nor shall such repeal affect any ordinance or resolution fixing utility rates and charges; nor shall such repeal be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance which is repealed by this Ordinance.

Section 5. The provisions appearing in this Code, so far as they are the same as those ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

Section 6. A copy of the Code shall be kept on file in the office of the town clerk, preserved in loose-leaf form, or in such other form as the clerk may consider expedient. It shall be the express duty of the clerk or someone authorized thereby to insert in their designated places all amendments or ordinances which indicate the intention of the mayor and board of aldermen to make the same a part of the Code when the same have been printed or reprinted in page form, and to extract from such Code all provisions which may from time to time be repealed by the mayor and board of aldermen. This copy of the Code shall be available for all persons desiring to examine it. It shall be considered the official code of ordinances of this town and shall be so certified by the town clerk.

Section 7. The Code of Ordinances hereby adopted was prepared by Jerry J. Guillot, Attorney at Law, and consists of twenty-eight chapters, all of which have been examined, considered and approved by the mayor and board of aldermen of the Town of Arnaudville, Louisiana, and adopted by compliance with Louisiana Revised Statutes Title 33 Sections 1361 et seq.

Section 8. This Ordinance shall become effective on October 1, 2011.

The following board of aldermen members voted "yes":

The following board of aldermen members voted "no" :

Whereupon, the Ordinance was declared adopted:

ATTEST and delivered to the Mayor

September ____, 2011

Dolores Quebedeaux, Clerk

APPROVED and delivered to the Clerk

September ____, 2011

Kathy M. Richard, Mayor

Published in official journal _____.

Official copy of the Code of Ordinances of the Town of Arnaudville, Louisiana, adopted and approved this 20th day of September, 2011.

Kathy M. Richard, Mayor

Annette Guidry, Alderman

Ricky Lagrange, Alderman

Todd Meche, Alderman

Stephanie S. Navarre, Alderman

Louis E. Stelly, Jr. Alderman

Dolores Quebedeaux, Clerk

NOTICE OF HEARING

The Board of Aldermen of the Town of Arnaudville will hold a public hearing in the Town Hall on Tuesday, September 20, 2011, at 6:00 p.m. on the following ordinance:

"AN ORDINANCE AMENDING AND REENACTING A CODE OF ORDINANCES OF THE TOWN OF ARNAUDVILLE, LOUISIANA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREAFTER PROVIDED; AND PRESCRIBING PENALTIES AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE, AND PROVIDING WITH RESPECT TO RELATED MATTERS."

NOTICE

The Board of Aldermen of the Town of Arnaudville in regular session at the Town Hall on Tuesday, September 20, 2011, adopted the following ordinance revising its code of ordinances:

"AN ORDINANCE AMENDING AND REENACTING A CODE OF ORDINANCES OF THE TOWN OF ARNAUDVILLE, LOUISIANA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREAFTER PROVIDED; AND PRESCRIBING PENALTIES AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE, AND PROVIDING WITH RESPECT TO RELATED MATTERS."

Need to publish for three consecutive weeks.

NOTICE

The Board of Aldermen of the Town of Arnaudville in regular session at the Town Hall on Tuesday, August 16, 2010, adopted the following ordinance revising its code of ordinances:

"AN ORDINANCE AMENDING AND REENACTING A CODE OF ORDINANCES OF THE TOWN OF ARNAUDVILLE, LOUISIANA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN, EXCEPT AS HEREAFTER PROVIDED; AND PRESCRIBING PENALTIES AND PROVIDING WHEN THIS ORDINANCE SHALL BECOME EFFECTIVE, AND PROVIDING WITH RESPECT TO RELATED MATTERS."

The revised code contains the following titles designated as Chapters:

Chapter 1	General Provisions
Chapter 2	Government Organization
Chapter 3	Services
Chapter 4	Taxation and Licensing
Chapter 5	Regulation
Chapter 6	Sewer Systems
Chapter 7	Flood Damage Prevention
Chapter 8	Fire Prevention and Protection
Chapter 9	Franchises
Chapter 10	Garbage and Trash
Chapter 11	Health and Sanitation
Chapter 12	Housing and Housing Regulations
Chapter 13	Libraries (Reserved)
Chapter 14	Criminal Code
Chapter 15	Liquor and Alcoholic Beverages
Chapter 16	Miscellaneous Provisions
Chapter 17	Motor Vehicles and Traffic
Chapter 18	Nuisances
Chapter 19	Parks and Recreation
Chapter 20	Planning and Zoning
Chapter 21	Public Welfare (Reserved)
Chapter 22	Railroads and Common Carriers (Reserved)
Chapter 23	Retirement and Pension Plans (See Chapter 2)
Chapter 24	Revenue and Taxation
Chapter 25	Special Districts (Reserved)
Chapter 26	Streets, Sidewalks, and Drainage
Chapter 27	Subdivision Regulations
Chapter 28	Utilities