

CHAPTER 25 Criminal Code

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PART I. GENERAL PROVISIONS

Section 25.1 Short title (Source: R.S. 14:1)

This chapter may be cited as the "Criminal Code of the Town of Brusly."

Section 25.2 Definitions (Source: R.S. 14:2)

In this chapter, the terms enumerated shall have the designated meanings:

(1) Another" refers to any other person or legal entity, including the municipality 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) "Municipality" means the town of Brusly, or any agency, board, commission, department, or institution of the town.

(6) "Person" includes a human being from the moment of fertilization and implantation and also includes a body of persons, whether incorporated or not.

(7) "Property" refers to both public and private property, movable and immovable, and corporeal and incorporeal property.

(8) "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, municipality, district, or other political subdivision thereof, or of any agency, board, commission, department or institution of said state, parish, municipality, district, or other political subdivision.

(9) "Whoever" in a penalty clause refers only to natural persons insofar as imprisonment is provided, but insofar as a fine may be imposed "whoever" in a penalty clause refers to any person.

Section 25.3 Interpretation (Source: R.S. 14:3)

The sections of this chapter 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 25.4 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 chapter; or
- (2) Prohibited according to a section of this chapter and also according to some other ordinance.

Section 25.5 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 25.6 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 therefore, the violation shall be punished by a fine not exceeding five hundred (\$500.00) dollars, imprisonment for not more than sixty (60) days, or both.

(b) Unless otherwise specifically provided in this chapter, each day that any violation of this chapter continues shall constitute a separate offense.

(c) Any person who shall aid, abet, or assist in the violation of any provision of this chapter shall be punished as provided in this section.

PART II. ELEMENTS OF OFFENSES

Section 25.7 Offense defined (Source: R.S. 14:7)

An offense is that conduct which is defined as criminal in this chapter.

Section 25.8 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 25.9 Criminal consequences (Source: R.S. 14:9)

Criminal consequences are any set of consequences prescribed in the various sections of this chapter or in other ordinances as necessary to constitute any of the various offenses defined therein.

Section 25.10 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 25.11 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 25.12 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.

PART III. CULPABILITY

Section 25.16 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 25.17 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 25.18 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 25.19 Mistake of ordinance (Source: R.S. 14:17)

Ignorance of any provision of this chapter 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 25.20 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 17 through 19.

Section 25.21 Use of force or violence in defense (Source: R.S. 14:19)

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.

Section 25.22 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 25.23 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 25.24 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 25.25 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 of the largest fine, or one-half the longest term of imprisonment prescribed for such offense, or both.

Section 25.26 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 fined or imprisoned or both, in the same manner as for the offense attempted; such fine or imprisonment shall not exceed one-half of the largest fine, or one-half of the longest term of imprisonment prescribed for the offense so attempted, or both.

PART IV. OFFENSES AGAINST THE PERSON

Section 25.31 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 25.32 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.

Section 25.33 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 25.34 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 25.35 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.

Section 25.36 Negligent injuring (Source: R.S. 14:39)

(a) It shall be unlawful for any person to commit negligent injuring. Negligent injuring is the inflicting of any injury upon the person of another by criminal negligence.

(b) The violation of an ordinance or law shall be considered only as presumptive evidence of such negligence.

Section 25.37 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 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 25.38 Perpetration or attempted perpetration of offenses against a victim sixty-five years of age or older (Source: R.S. 14:50.1)

(a) Notwithstanding any other ordinance to the contrary, any person who is convicted of aggravated assault, simple battery, or false imprisonment or any attempt to commit the aforementioned offenses where a victim of any such offense is sixty-five (65) years of age or older shall in addition to any other penalty imposed, serve a minimum of sixty (60) days without benefit of probation or suspension of sentence and adjudication of guilt or imposition of sentence shall not be suspended, and lack of knowledge of the victim's age shall not be a defense.

(b) Such sentence shall be consecutive to any other sentence imposed for violation of an ordinance.

PART V. OFFENSES AGAINST PROPERTY

Section 25.41 Simple criminal damage to property (Source: R.S. 14:56)

It shall be unlawful for any person to commit simple criminal damage to property. Simple criminal damage to property is the intentional damaging of any property of another, without the consent of the owner by any means other than fire or explosion, where the damage is less than five hundred (\$500) dollars.

Section 25.41.1 Defacing property

It shall be unlawful to deface property. Defacing property is the intentional defacing of any property of another, without the consent of the owner, by making signs or figures thereon, or by writing any indecent or obscene word, words, or sentences on any building, room, hall, closet, wall, tree, or fence.

Section 25.42 Damage to coin-operated devices (Source: R.S. 14:56.1)

(a) It shall be unlawful for any person to commit criminal damage to a coin-operated device. Criminal damage to a coin-operated device is the intentional damaging of any coin-operated device belonging to another.

(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.

Section 25.43 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. (Ordinance No. 8 of 1996)

(3) Driving of any tack, nail, spike or metal over one and one-half (1 2") inch 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 municipal street, without prior written approval of the municipality 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.

(10) Placing graffiti upon immovable or movable property, whether publicly or privately owned, without the consent of the owner, by means of the use of spray paint, ink, marking pens containing a nonwater soluble fluid, brushes, applicators, or other materials for marking, scratching, or etching. "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. (Ordinance No. 8 of 1996)

Section 25.43.1 Urination or defecation in public

Urination or defecation in public is urination or defecation by any person on any street, sidewalk, public right-of-way, or other public property, or in any other place open to view by the public other than a public rest room.

Section 25.44 Institutional vandalism (Source: R.S. 14:225)

(a) It shall be unlawful for any person to commit institutional vandalism. A person commits institutional vandalism by knowingly vandalizing, defacing, or otherwise damaging the following when the damage is valued at less than five hundred (\$500) dollars:

- (1) Any church, synagogue, or other building, structure, or place used for religious worship or other religious purpose.
- (2) Any cemetery, mortuary, or other facility used for the purpose of burial or memorializing the dead.
- (3) Any school, educational facility, or community center.
- (4) The grounds adjacent to and owned or rented by any institution, facility, building, structure, or place described in paragraphs (1), (2), or (3) above.
- (5) Any personal property contained in any institution, facility, building, structure, or place described in paragraphs (1), (2), or (3) above.
- (6) Any building owned by the United States, the state, the municipality, or another political subdivision of this state.

(b) In determining the amount of damage to or loss of property, damage includes the cost of repair or replacement of the property that was damaged or lost.

Section 25.45 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 municipality without first giving the Fire Subdistrict No. 2 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 25.46 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 25.47 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.

Section 25.48 Criminal trespass

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 registered 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 Regulation Act of 1992 or of a municipal 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 not be more than one hundred dollars (\$100.00), or imprisonment for not more than fifteen days, or both.

(2) For the second offense, the fine shall not be more than three hundred dollars (\$300.00), or imprisonment for not more than thirty days, or both.

(3) For the third offense and all subsequent offenses, the fine shall not be more than five hundred dollars (\$500.00), or imprisonment for not more than sixty days, or both, and forfeiture to the law enforcement authority of any property seized in connection with the violation.

(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. The provisions of any other law notwithstanding, owners, lessees, and custodians of structures, watercraft, movable or immovable property shall not be answerable for damages sustained by any person who enters upon the structure, watercraft, movable or immovable property without express, legal or implied authorization, or who without legal authorization, remains upon the structure, watercraft, movable or immovable property after being forbidden by the owner, or other person with authority to do so; however, the owner, lessee or custodian of the property may be answerable for damages only upon a showing that the damages sustained were the result of the intentional acts or gross negligence of the owner, lessee or custodian.

I. A minor ten years old or younger shall not be arrested, detained or apprehended for the crime of trespass. (Amended by Ordinance No. 11 of 2003)

Section 25.49 Entry on or remaining in places or on land after being forbidden

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. (Amended by Ordinance No. 11 of 2003.)

Section 25.50 Aiding and abetting others to enter or remain on premises where forbidden

(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) 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.

(Amended by Ordinance No. 11 of 2003.)

Section 25.51

(Amended by Ordinance No. 11 of 2003.)

Section 25.52

(Amended by Ordinance No. 11 of 2003)

Section 25.53 Unauthorized access to railroad property (Source: R.S. 14:63.5)

(Repealed by Ordinance No. 11 of 2003.)

Section 25.54 Unauthorized entry upon railroad property (Source: R.S. 14:63.6)

(Repealed by Ordinance No. 11 of 2003.)

Section 25.55 Vehicular trespass (Source 14:63.10)

(Ordinance No. 8 of 1996; repealed by Ordinance No. 11 of 2003.)

Section 25.56 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 one hundred (\$100) 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. An intent to deprive the other permanently of whatever may be the subject of the misappropriation or taking is essential.

Section 25.57 Theft of animals (Source: R.S. 14:67.2)

(a) Theft of animals is the misappropriation or taking of any animal having a value of less than one hundred dollars which belongs to another, either without consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations. An intent to deprive the other permanently of the animal or an intent to ransom for the purpose of extorting money is essential.

(b) The value of the animal which was misappropriated 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, 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 livestock. "Livestock" means 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.

(d) Whoever commits theft of animals shall be fined not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars or be imprisoned for not less than sixty (60) days, or both.
(Ordinance No. 8 of 1996)

Section 25.58 Unauthorized use of "access card" as theft (Source: R.S. 14:67.3)

(a)(1) "Access card" means and includes 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" means an access card which has been canceled or terminated by the issuer of said access card.

(3) "Person" means and includes 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.

(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 56.

(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 56.

(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 56. 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 56, 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 56, the court may, at its discretion, order as a part of the sentence, restitution.

Section 25.59 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. 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)(1) 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) 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 25.60 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 one hundred (\$100) 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. 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.
(Amended by Ordinance No. 5 of 1993.)

Section 25.61 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 one thousand (\$1000) 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. REVISED NOVEMBER 1992

Section 25.62 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 therefore.

(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 25.62.1 Unauthorized removal of a motor vehicle (Source: R.S. 14:68.2)

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 25.63 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 one hundred (\$100) 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. REVISED NOVEMBER 1992

(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, municipal prosecuting attorney, or chief of police.

Section 25.64 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 25.65 Refund or access device application fraud (Source: R.S. 14:70.2)

(a) It shall be unlawful for any person with the intent to defraud to use a false or fictitious name or any other identifying information as his own or use the name or any other identifying information of any other person without that person's knowledge and consent for the purpose of:

- (1) Obtaining or attempting to obtain a refund for merchandise returned to a business establishment or a refund on a ticket or other document that is evidence of services purchased from a business establishment; or
- (2) Obtaining or attempting to obtain an access device.

(b) The phrase "any other identifying information" includes, but not be limited to, an address, telephone number, social security number, account number, or any other information through which the identity of a person may be ascertained. "Access device" means any card, plate, code, account number, or other means of account access that can be used to obtain anything of value, whether contemporaneously or not.

Section 25.66 Issuing worthless checks (Source: R.S. 14:71)

(a)(1)(i) Issuing worthless checks is the issuing, in exchange for anything of value of less than one hundred (\$100) dollars whether the exchange is contemporaneous or not, with intent to defraud, of any check, draft, or order for the payment of money upon any bank or other depository, knowing at the time of the issuing that the offender has not sufficient credit with the bank, or other depository for the payment of such check, draft, or order in full upon its presentation.

- (ii) This section shall apply to a check, draft, or order tendered for satisfaction, in whole or in part, of payments due on installment contracts, open accounts, or any other obligation for which the creditor has authorized periodic payments or the extension of time in which to pay.
- (iii) This provision shall apply to a check, draft, or order for the payment of money given for a motor vehicle when such payment is conditioned upon delivery of documents necessary for transfer of a valid title to the purchaser.
- (iv) An open account includes accounts where checks are tendered as payment: (A) in advance of receipt, in whole or in part, for telecommunication facilities or services; or

(B) for deposits, prepayments, or payments for the lease or rent of a rental motor vehicle, pursuant to a lease or rental agreement.

(2) The offender's failure to pay a check, draft or order, issued for value, within ten (10) days after notice of its nonpayment upon presentation has been deposited by certified mail in the United States mail system addressed to the issuer thereof either at the address shown on the instrument or the last known address for such person shown on the records of the bank upon which such instrument is drawn or within ten (10) days after delivery or personal tender of the written notice to said issuer by the payee or his agent, shall be presumptive evidence of his intent to defraud.

(b) Issuing worthless checks is also the issuing, in exchange for anything of value of less than one hundred (\$100) dollars, whether the exchange is contemporaneous or not, with intent to defraud, of any check, draft, or order for the payment of money, when the offender knows at the time of the issuing that the account designated on the check, draft, or order has been closed, or is nonexistent or fictitious, or is one in which the offender has no interest or on which he has no authority to issue such check, draft, or order.

(c) In addition to any other fine or penalty imposed under this section, the court shall order as part of the sentence, restitution in the amount of the check or checks, plus a fifteen (\$15) dollar per check service charge payable to the person or entity that initially honored the worthless check or checks or any authorized collection agency. In the event the fifteen (\$15) dollar per check service charge is paid to a person or entity other than one who initially honored the worthless check or checks, the court shall also order as part of the sentence restitution equal to the amount that the bank or other depository charged the person or entity who initially honored the worthless check, plus the actual cost of notifying the offender of nonpayment as required in (a)(2). (Ordinance No. 8 of 1996)

Section 25.67 Soliciting upon private residence

(a) It shall be unlawful for any person to go in and upon a private residence not having been requested or invited to do so by the owner or occupant of the residence for the purpose of soliciting orders for the sale of goods, wares, and merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same.

(b) Subsection (a) shall not apply to any person authorized by ordinance, law, permit, or license to do so nor to any person soliciting for charitable purposes. However, it shall be unlawful for any such person to remain in or upon the private residence after having been requested or invited to leave the residence by the owner or occupant of the private residence.

Section 25.68 Cable television; unlawful acts

(a) It shall be unlawful for any person to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised television system for the purpose of enabling himself or others to receive any television signals, radio signals, pictures, programs, sounds, or any other information or intelligence transmitted over a cable system without payment to the owner of the system or its lessee.

(b) It shall be unlawful for any person, without the consent of the owner, to willfully tamper with, remove, or injure any cable, wire, or other equipment used for the distribution of television signals, radio signals, pictures, programs, sounds, or any other information or intelligence transmitted over a franchised cable television system.

(c) Whoever violates this section or the Cable Television Franchise Ordinance shall be fined not more than two hundred (\$200) dollars, imprisoned for not more than thirty (30) days, or both.

(d) Each day of violation shall constitute a separate offense.

PART VI. OFFENSES AFFECTING THE PUBLIC MORALS

Section 25.69 Prostitution (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) 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 which, except as provided in this subsection, shall not be suspended. The court may suspend imposition of five (5) days of the ten-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.

(c) 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 25.70 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 25.71 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 25.72 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)(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 25.73 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 25.74 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 25.75 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 25.78 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.

Section 25.79 Seizure and disposition of evidence; gambling (Source: R.S. 14:90.1)

Upon conviction of a person for the offense of gambling, the evidence, property, and paraphernalia seized as instruments of such offense shall, upon order of the court, be destroyed when it is no longer needed as evidence and all such evidence, property, and paraphernalia found to be in use in the conduct of such unlawful activity and having a value for lawful purposes, shall be sold under the orders of the court at public auction by a duly licensed auctioneer and the proceeds paid into the court. Upon conviction, as aforesaid, any monies and other things of value, except as herein provided, shall be transferred to the municipal general fund.

Section 25.80 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 25.81 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. (Ordinance No. 8 of 1996)

Section 25.82 Definitions (Source R.S. 14:93.10)

For purposes of sections 25.82 through 25.82.3, the following definitions shall apply:

(1) "Purchase" means acquisition by the payment of money or other consideration.

(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) At a function sponsored by a bona fide nonprofit organization under 26 U.S.C. 501(c) where an individual had received or purchased a ticket for admittance.

(iii) When a person under twenty-one (21) years of age is accompanied by a parent or legal custodian twenty-one (21) years of age or older.

(iv) For medical purposes when prescribed or administered by a licensed physician, pharmacist, dentist, nurse, hospital, or medical institution.

(v) In private residences.

(B) The sale, handling, transport, or service in dispensing of any alcoholic beverage pursuant 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 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 therefore. Distilled spirits include alcohol, ethanol, or spirits or wine in any form, including all dilutions and mixtures thereof from whatever process produced. (Ordinance No. 8 of 1996)

Section 25.82.1 Unlawful sales to persons under twenty-one (Source (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. Lack of knowledge of the person's age shall not be a defense.

(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. (Ordinance No. 8 of 1996)

Section 25.82.2 Purchase and public possession of alcoholic beverages; exceptions; penalties (Source 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 the provisions of 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. (Ordinance No. 8 of 1996)

Section 25.82.3 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 25:82(2)(a)(iii), 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. (Ordinance No. 8 of 1996)

Section 25.83 Repealed (Ordinance No. 8 of 1996)

Section 25.84 Repealed (Ordinance No. 8 of 1996)

Section 25.84.1 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 without benefit of suspension of sentence.

Section 25.85 Repealed (Ordinance No. 8 of 1996)

Section 25.85.1 Repealed (Ordinance No. 8 of 1996)

Section 25.86 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, to any unmarried person under the age of seventeen (17) 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 seventeen (17) years, at a newsstand or any other commercial establishment which is open to persons under the age of seventeen (17) years.

(2) "Material harmful to minors" means any paper, magazine, book, newspaper, periodical, pamphlet, composition, publication, photograph, drawing, picture, poster, motion picture film, video tape, 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 the average person applying contemporary community standards would find that the work or thing is presented in a manner to provoke or arouse lust, passion or perversion or exploits sex.

(3) "Descriptions or depictions of illicit sex or sexual immorality" includes the depiction, display, description, exhibition or representation of:

- (i) Ultimate sexual acts, normal or perverted, actual, simulated or animated, whether between human being, animals or an animal and a human being; or
- (ii) Masturbation, excretory functions, or exhibition, actual, simulated or animated, of the genitals, pubic hair, anus, vulva or female breast nipples; or
- (iii) 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
- (iv) 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
- (v) 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.

(b) It shall be unlawful to invite or permit any unmarried person under the age of seventeen (17) years of age to be in any commercial establishment that exhibits or display any item, material, work or thing of any kind that is described in subsection (a) of this section.

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 a minor was either married or seventeen (17) years of age or more.

"Exhibition or display" means the exhibition or display of material harmful to minors as defined in subsection a so that, as displayed, depictions and representations of illicit sex or

sexual immorality are visible to minors, or that an unmarried person under the age of seventeen (17) years is permitted to see or examine the contents of the material harmful to minors.

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 areas "NOT FOR MINORS" or similar words and the commercial establishment prohibits unmarried minors under the age of seventeen (17) 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.

Section 25.87 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 25.88 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 years between the two persons, to use, consume, possess, or distribute any controlled dangerous substance in violation of the state Uniform Controlled Dangerous Substance Act.

Section 25.89 Sale of poisonous reptiles to minors (Source: R.S. 14:91.21)

It shall be unlawful for any person to sell any type of poisonous reptile to a minor.

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 25.90 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) Absent himself or remain away, without authority of his parents or tutor, from his home or place of abode; or
- (8) Violate any state law or ordinance; or
- (9) 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. (Ordinance No. 8 of 1996)

Section 25.91 Model glue; use of; unlawful sales to minors (Source: R.S. 14:93.1)

(a) "Model glue" means any glue or cement of the type commonly used in the building or model airplanes, boats and automobiles and which contains one or more of the following volatile solvents: (1) toluol, (2) hexane, (3) trichlorethylene, (4) acetone, (5) toluene, (6) ethyl acetate, (7) methyl ethyl ketone, (8) trichlorochthane, (9) isopropanol, (10) methyl isobutyl ketone, (11) methyl cellosolve acetate, (12) cyclohexanone, or (13) any other solvent, material, substance, chemical or combination thereof having the property of releasing toxic vapors.

(b) It shall be unlawful for any person to intentionally smell or inhale the fumes of any type of model glue 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 25.92 Tattooing minors (Source: R.S. 14:93.2)

It is unlawful for any person to tattoo 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 25.93 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 25.94 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 25.95 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" 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.

Section 25.96 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 years to present or offer to any person having a license or permit to sell acholic beverages, under state law and municipal 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. (Added by Ordinance No. 5 of 1993.)

PART VII. OFFENSES AFFECTING THE PUBLIC GENERALLY

Section 25.101 Fireworks (Source: R.S. 51:560 et seq.)

(A) "Pyrotechnics" whenever used in this section, shall be held to mean any sparkler, squib, rocket, firecracker, Roman candle, signal lights, fireworks, or other devices or composition used to obtain visible or audible pyrotechnic display.

(B) Sale, possession, etc., prohibited. It shall be unlawful for any person to have, store, use, manufacture, sell, offer to sell, handle or transport any pyrotechnics within the city limits except as provided for in this section, it being the intention of this section to prohibit the sale of, distribution of or discharge of pyrotechnics of any kind or description whatsoever within the city limits.

(C) Exceptions. Nothing in this section shall be held to apply:

- (1) Signaling devices. To the possession or use of signaling devices for current daily consumption by railroads, trucks or vessels requiring them.
- (2) Authorized display. To pyrotechnics display of fireworks in public parks or other open places where a permit for such display has been issued by the Mayor, but before such permits are issued by the Mayor, he shall have determined that provisions have been made for the proper safeguarding of life and property, and he shall further provide proper police protection in connection with any authorized display.

(D) Confiscation authorized. The Chief of Police, his officers and the Fire Chief/designee are hereby authorized to seize and confiscate all pyrotechnics sold, exchanged or possessed in violation of the terms and provisions of this section. (Ordinance No. 12 of 2007)

Section 25.102 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.

(b) Whoever violates this section shall be fined not more than fifty (\$50) dollars or imprisoned not more than thirty (30) days, or both.

Section 25.103 Air guns

It shall be unlawful for any person to use, fire, shoot, or explode an "air gun" or "air rifle" or "blow gun".

Section 25.104 Illegal carrying of weapons (Source: R.S. 14:95)

(a) It shall be unlawful for any person to commit illegal carrying of weapons. Illegal carrying of weapons is:

- (1) The intentional concealment of any firearm, or other instrumentality customarily used or intended for probable use as a dangerous weapon, on one's person; or
- (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; or
- (3) The ownership, possession, custody or use of any tools, or dynamite, or nitroglycerine, or explosives, or other instrumentality customarily used by thieves or burglars at any time by any person with the intent to commit a crime or violate an ordinance; or
- (4) The manufacture, ownership, possession, custody or use of any switchblade knife, spring knife or other knife or similar instrument having a blade which may be automatically unfolded or extended from a handle by the manipulation of a button, switch, latch, or similar contrivance.

(5)(i) The intentional possession or use by any person of a dangerous weapon on a school campus during regular school hours or on a school bus. "School" means any elementary, secondary, high school, or vo-tech school in this state and "campus" means all facilities and property within the boundary of the school property. "School bus" means any motor bus being used to transport children to and from school or in connection with school activities. (Ordinance No. 5 of 1994)

(ii) The provisions of this paragraph shall not apply to:

- (A) A state or local law enforcement officer in the performance of his official duties, or
- (B) A school official or employee acting during the normal course of his employment or a student acting under the direction of such school official or employee.
- (C) Any person having the written permission of the principal or school board and engaged in competition or in marksmanship or safety instruction. (Ordinance No. 5 of 1994)

(b) The provisions of this section except paragraph (4) of subsection a shall not apply to law enforcement officers when in the actual discharge of official duties, or if not actually discharging official duties, when the law enforcement officers are full-time, active, or retired from full-time active law enforcement service with at least sixteen (16) years of service upon retirement, excluding medical retirees, and certified by the Council on Peace Officer Standards and Training and have on their persons valid identification as duly commissioned or retired law enforcement officers. The retired law enforcement officer must be retired from full-time active law enforcement service with at least sixteen (16) years service upon retirement. The retired law enforcement officer must be certified annually in the use of firearms by the Council on Peace Officer Standards and Training and have proof of such certification. (Ordinance No. 5 of 1994; Ordinance No. 8 of 1996)

(c) This section shall not prohibit active justices or judges of the Supreme Court, courts of appeal, district courts, parish courts, juvenile courts, family courts, city courts, and traffic courts from possessing and concealing on their person a properly registered firearm or handgun when the justice or judge is certified by the Council on Peace Officer Standards and Training. (Ordinance No. 8 of 1996)

Section 25.105 Consent to search; alcoholic beverage outlet (Source: R.S. 14:95.4)

(a) Any person entering an alcoholic beverage outlet, 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) "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 25.106 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" 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 25.106.1 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 an 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. (Ordinance No. 5 of 1994)

Section 25.107 Obstructing public drain

(a) It shall be unlawful for any person, firm, association, or corporation to willfully obstruct any waters, drains, ditches, or drainage canals by dumping or discharging or causing to be dumped or discharged or permitting to be dumped or discharged into any such waters, drain,

ditches, or drainage canals any trees, or other objects, articles, substances or materials whatsoever, or to obstruct said drainage in any manner.

(b) Failure of any person, firm, association or corporation to remove an obstruction as defined in subsection (a) at his own expense within ten (10) days from receipt of written notice from the municipality of such obstruction shall constitute prima facie evidence of willful intent to obstruct the public drain.

(c) Failure of any person, firm, association or corporation to adequately complete construction of a catch basin, as determined by the municipality's designated representative, according to accepted catch basin construction guide, within ninety days after the catch basin is installed shall constitute prima facie evidence of willful intent to obstruct the public drain. (Ordinance No. 3 of 1997; Ordinance No. 9 of 1997)

(d) Each day of violation shall constitute a separate offense.

Section 25.108 Simple obstruction of a highway of commerce (Source: R.S. 14:97)

(a) 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.

(b) 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.

Section 25.109 Obstruction of drive

(a) It shall be unlawful to obstruct a private drive of another without the authorization of the owner, intentionally or in a criminally negligent manner.

(b) Whoever commits obstruction of drive shall be fined not more than one hundred (\$100) dollars, or imprisoned for not more than thirty (30) days, or both.

Section 25.110 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.

Section 25.111 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 there is no death or serious bodily injury, to stop such vehicle at the scene of the accident, to give his identity, and to render reasonable aid.

(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.

Section 25.112 Obstructing public passages (Source: R.S. 14:100.1)

(a) It shall be unlawful for any person to willfully 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.

Section 25.113 Regulating motor vehicle on parking lot

(a) It shall be unlawful for any person to operate a motor vehicle at a speed in excess of fifteen miles per hour on any lot or plot of ground used by a business open to the public for the purpose of parking motor vehicles. This speed limit applies even though a place of business providing the parking lot is closed at the time of the operation of the motor vehicle.

(b) It shall be unlawful for any person to operate a motor vehicle on any lot or plot of ground used by a business open to the public for the parking of motor vehicles in such a manner as to needlessly endanger life or property.

Section 25.114 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 25.115 Definitions; Cruelty to animals (Source: R.S. 14:102)

The following words, phrases, and terms as used in section 115 through section 119 shall be defined and construed as follows:

- (1) "Cruel" means every act or failure to act whereby unjustifiable physical pain or suffering is caused or permitted.
- (2) "Abandons" means to completely forsake and desert an animal previously under the custody or possession of a person without making reasonable arrangements for its proper care, sustenance, and shelter.
- (3) "Proper food" means providing each animal with daily food of sufficient quality and quantity to prevent unnecessary or unjustifiable suffering by the animal.
- (4) "Proper water" means providing each animal with daily water of sufficient quality and quantity to prevent unnecessary or unjustifiable suffering by the animal.
- (5) "Proper shelter" means providing each animal with adequate shelter from the elements as required to prevent unnecessary or unjustifiable suffering by the animal.
- (6) "Proper veterinary care" means providing each animal with veterinary care sufficient to prevent unnecessary or unjustifiable physical pain or suffering by the animal.

Section 25.116 Cruelty to animals (Source: R.S. 14:102.1)

(a) It shall be unlawful for any person to commit cruelty to animals. Any person who intentionally or with criminal negligence commits any of the following shall be guilty of cruelty to animals:

(a) It shall be unlawful for any person to commit cruelty to animals. Any person who intentionally or with criminal negligence commits any of the following shall be guilty of cruelty to animals:

- (1) Overdrives, overloads, drives when overloaded, or overworks a living animal.
- (2) Torments, cruelly beats or unjustifiably injures any living animal, whether belonging to himself or another. (Ordinance No. 8 of 1996)
- (3) Having charge, custody, or possession of any animal, either as owner or otherwise, unjustifiably fails to provide it with proper food, proper drink, proper shelter, or proper veterinary care.
- (4) Abandons any animal. A person shall not be considered to have abandoned an animal if he delivers to an animal control center an animal which he found running at large. (Ordinance No. 8 of 1996)
- (5) Impounds or confines or causes to be impounded or confined in a pound or other place, a living animal and fails to supply it during such confinement with proper food, proper drink, and proper shelter.
- (6) Carries, or causes to be carried, a living animal in or upon a vehicle or otherwise, in a cruel or inhumane manner.
- (7) Unjustifiably administers any poisonous or noxious drug or substance to any domestic animal or unjustifiably exposes any such drug or substance, with intent that the same shall be taken or swallowed by any domestic animal.
- (8) Injures any animal belonging to another person without legal privilege or consent or the owner. (Ordinance No. 8 of 1996)
- (9) Mistreats any living animal by any act or omission whereby unnecessary or unjustifiable physical pain, suffering, or death is caused to or permitted upon the animal.
- (10) Causes or procures to be done by any person any act enumerated in this Section.

(b) This section shall not apply to the lawful hunting or trapping of wildlife as provided by law, herding of domestic animals, accepted veterinary practices, and activities carried on for scientific or medical research governed by accepted standards.

(c) For purposes of this section, fowl shall not be defined as animals.

Section 25.117 Seizure and disposition of animals cruelly treated (Source: R.S. 14:102.2)

(a) When a person is charged with cruelty to animals, said person's animal may be seized by the arresting officer and held pending final disposition of the charge. The seizing officer shall appoint a licensed veterinarian or other suitable custodian to care for any such animal. The custodian shall retain custody of the animal for the purpose of evidence upon the trial, subject to the order of the court. All costs incurred in the boarding and treatment for any seized animal pending disposition of any animal cruelty charge, upon conviction of the accused, shall be borne by the person so convicted. If a seized animal is unable to humanely survive the final disposition of the animal cruelty charge, the court may order that such animal be humanely put to death, but only upon the certification of a licensed veterinarian either that the animal is not likely to survive or that in his professional judgment, by reason of the physical condition of the animal, it should be humanely euthanized. The owner of an animal which is euthanized without an order of the court upon certification of a licensed veterinarian, as herein provided, shall have a right of action for damages against the department or agency by which the arresting or seizing officer is employed.

(b) Upon a person's conviction of cruelty to animals, it shall be proper for the court, in its discretion, to order the forfeiture and final determination of the custody of any animal found to be cruelly treated as part of the sentence. In the event of the acquittal or final discharge, without conviction of the accused, the court shall, on demand, direct the delivery of any animal held in custody to the owner thereof.

Section 25.118 Search warrant; animals cruelty offenses (Source: R.S. 14:102.3)

If the complaint is made, by affidavit, to any magistrate authorized to issue search warrants in criminal cases, that the complainant has reason to believe that an animal has been or is being cruelly treated in violation of section 116, in any building or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue a search warrant to any law enforcement officer authorized by law to make arrests for such offenses, authorizing any such officer to make a search of said building or place, and to arrest any person found violating section 116. Said warrant may also authorize said officer to seize any animal believed to be cruelly treated and to take custody thereof. This section shall not be construed as a limitation on the power of law enforcement officers to seize animals as evidence at the time of the arrest.

Section 25.119 Confined animals; necessary food and water (Source: R.S. 14:102.4)

When a living animal is impounded or confined, and continues without necessary food and water for more than twenty-four (24) consecutive hours, any law enforcement officer may, as often as is necessary, enter any place in which the animal is impounded or confined and supply it with necessary food and water so long as it shall remain impounded or confined.

Section 25.120 Repealed (Ordinance No.8 of 1996)

Section 25.121 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 fistic encounter; or,
- (2) Addressing any offensive, derisive, or annoying words to any other person who is lawfully in any street, or other public place; or call him by any offensive or derisive name, or make any noise or exclamation in his presence and hearing with the intent to deride, offend, or annoy him, or to prevent him from pursuing his lawful business, occupation, or duty; or
- (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.

(b) Whoever commits disturbing the peace shall be fined not more than one hundred (\$100) dollars or imprisoned for not more than sixty (60) days, or both.

Section 25.122 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 25.123 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 25.124 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. (Amended by Ordinance No. 5 of 1993.)

Section 25.125 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 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, 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:

- (i) Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest.
- (ii) 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.
- (iii) Refusal by the arrested party to give his name and make his identity known to the arresting officer.
- (iv) 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 municipal police officers, deputy sheriffs, probation and parole officers, state police officers, and wildlife enforcement agents. (Amended by Ordinance No. 5 of 1993.)

Section 25.126 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 25.127 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.

Section 25.128 Riding or hauling on levee

(a) No person shall ride, drive, or haul upon the public levees except, where in the judgment of the commissioners of the Atchafalaya Basin Levee District and the office of public works, ample provision has been made to guard against any damage to which the levees may thereby be exposed from wear, tear, and abuse.

(b) Whoever violates this section shall be fined not more than fifty (\$50) dollars or imprisoned for not more than thirty (30) days or both.

(c) This section shall not be construed to restrict the proper officers of the state, of the Atchafalaya Basin Levee District, or the parish while in the performance of duty in inspecting, guarding, or repairing the levees.

(d) Nothing in this section shall interfere with the crossing over any public levees, at ramps or inclines established under plans and specifications of the office of public works, for the purpose of transporting any material that may be used or required in the business of any population living behind the levees.

Section 25.129 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 25.130 Processions, marches, parades or demonstrations; permits; liability; bond; exemptions

(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 municipality unless there first has been obtained a permit therefore, 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 board of aldermen. Permits may be granted by the board. However, bond in an amount established by the

municipality shall first be filed with the mayor 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. (Ordinance No. 5 of 1994)

(c) This section shall apply to all groups, associations, or organizations regardless of race, creed, disability, color, or political beliefs of its members. However, nothing contained herein shall apply to a bona fide legitimate labor organization 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 municipality 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- or carnial festivities, school parades, or other functions, parish parade or other functions, state, parish, or municipal fairs or other such related activities. (Ordinance No. 5 of 1994)

Section 25.131 Obstructing a fireman (Source: R.S. 14:327)

(a) It shall be unlawful for any person intentionally to obstruct any fireman while in the performance of his official duties. Obstructing a fireman is hereby defined as intentionally hindering, delaying, hampering, interfering with, or impeding the progress of, any member of a public fire department, or any volunteer fireman while in the performance of his official duties; or cursing, reviling, or using any opprobrious language directed at any such fireman while in the performance of his official duties.

(b) The penalties provided in this section for obstructing a fireman shall be in addition to any other penalties provided by existing ordinance.

(c) Whoever shall park a vehicle in a marked fire lane (with the exception of emergency personnel and equipment) shall be presumed guilty of the crime of parking in a fire lane. The vehicle is subject to removal by towing, and impoundment, at the discretion of the police officer or fire subdistrict official. It shall be the responsibility of the offender to pay all such charges incurred. (Amended by Ordinance No. 8 of 2004)

(d) Whoever shall set a fire within the Town of Brusly limits, or cause a fire to be started, without first obtaining a written burning permit from the Fire Protection Subdistrict No. 2 located at 154 East Saint Francis St., shall be presumed to be guilty of the offense of burning without a permit, and cited therefore by a police officer. (Amended by Ordinance No. 8 of 2004)

(e) Whoever violates a Subsection (a) through (d) shall be fined not less than one hundred (\$100) dollars nor more than two hundred and fifty (\$250) dollars upon conviction of a first offense, and not less than two hundred fifty (\$250) dollars nor more than five hundred (\$500.00) dollars or ten (10) days in jail, or both, upon conviction of any subsequent offense. (Amended by Ordinance No. 8 of 2004)

Section 25.132 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 25.133 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, among others, are declared to be unnecessary noises or noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

- (1) Horns or signal devices. The continued or frequent sounding of any horn or signal device on any automobile or other vehicle except as a danger or warning signal; the creation by means of any such horn or signal device of any noise for any unreasonable period of time.
- (2) Radio, phonograph, television, or any musical instrument. The playing of any radio, phonograph, television, or any 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 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 there from.
- (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 municipality, which permit may be granted for a period not to exceed thirty (30) days while the emergency continues. If the municipality 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, it 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 or nursing home, which unreasonably interferes with the working of such institution, provided the same is conspicuously identified as a school, hospital, court, or nursing home.
- (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 or merchandise.
 - (12) Loud speakers on trucks. The use of mechanical loud speakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.
 - (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 peddlers, hawkers, and vendors 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) The reasonable use of amplifiers or loud speakers in the course of public addresses which are non-commercial in character, and for which a permit is first obtained from the municipality.

Section 25.134 Drug-Traffic Loitering

A. Drug-traffic loitering is the remaining in a public place in a manner and under circumstances manifesting the purpose to engage in unlawful conduct in violation of Louisiana Revised Statute 40:966 through 995 or R.S. 40:1031 through 1036.

B. Whoever commits the crime of drug-traffic loitering shall be find not more than Five Hundred (\$500.00) Dollars or imprisoned for not more than Six (6) months, or sentenced to community service not to exceed One Hundred Twenty (120) hours, or any combination of or all three (3).

C. For the purpose of this Section, the following words have the following meanings:

- (1.) Drug paraphernalia means and includes the items enumerated and described in Louisiana Revised Statutes 40:1031;
- (2.) Illegal drug activity means unlawful conduct which violates any provisions of this Part or the equivalent Federal Statute or Ordinance of any political subdivision of this State;
- (3.) Known drug trafficker means any person who has, within the knowledge of the arresting peace officer, been convicted of, or pled guilty or nolo contendere to, within the last two (2) years in any Court, any illegal drug activity; and
- (4.) Public place means any area generally visible to public view and includes but is not limited to streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, transit stations, shelters, automobiles, and buildings, including those which serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

D. Among the circumstances which may be considered in determining whether the person is manifesting a purpose to engage in unlawful drug-related activity are that the person is:

- (1.) Seen by the officer to be in possession of drug paraphernalia;

- (2.) A known drug trafficker;
- (3.) Behaving in such a manner as to raise a reasonable suspicion that he is about to engage in or is engaging in unlawful drug-related activity and such activity includes any of the following actions:
 - (a) Acting as a lookout;
 - (b) Being physically identified by an officer as a member of a criminal street gang or association, which has its purpose illegal drug activity;
 - (c) Transferring small objects or packages for currency in a furtive fashion;
 - (d) Being in an area known for unlawful drug use and drug trafficking;
 - (e) Being on or in premises that have been reported to law enforcement as a place suspected of unlawful drug activity;
 - (f) Being within six (6) feet of any vehicle registered to a known unlawful drug user, possessor, or seller, or a person for whom there is an outstanding warrant for a crime involving drug related activity;
 - (g) Repeatedly beckoning to, stopping, or attempting to stop passers by or engaging passers by in conversation;
 - (h) Repeatedly stopping or attempting to stop motor vehicle operators by hailing, waving of arms, or any other bodily gesture; and
 - (i) Circling an area in a motor vehicle and repeatedly beckoning to, contacting, or attempting to stop pedestrians.
- (4.) The subject of any Court Order, which directs the person to stay out of any specified area as a condition of release from custody, a condition of probation, parole, or other supervision or any Court Order, in a criminal or civil case involving illegal drug activity;
- (5.) Evicted as the result of his illegal drug activity and ordered to stay out of a specified area affected by drug-related activity;
- (6.) Taking flight upon the appearance of a police officer; and
- (7.) Trying to conceal himself or any object within his possession that reasonably could be involved in an unlawful drug-related activity. (Enacted by Ordinance No. 4 of 1998).

PART VIII. OFFENSES AFFECTING ORGANIZED GOVERNMENT

Section 25.141 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) "Flag" means 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 25.142 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 25.143 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) "Paramilitary organization" means 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 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 25.144 Threatening a public officer (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 25.145 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 25.146 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 25.147 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 25.148 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.

Section 25.149 Obstruction of court orders (Source: R.S. 14:133.1)

It shall be unlawful for any person by threats or force, or to willfully prevent, obstruct, impede, or interfere with, or to willfully 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 25.150 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 25.151 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 includes 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 (\$5000) dollars results there from.

(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 therefore. 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) "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 municipality 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 25.152 Interference with educational process (Source: R.S. 14:329.5, 329.7)

(a) It shall be unlawful for any person, on the campus or lands of any public elementary or secondary school in this municipality, hereinafter referred to as "institutions of learning," or at or in any building or other facility thereof owned, operated or controlled by the state or any of its agencies or political subdivisions, to willfully deny to students, school officials, faculty, employees, invitees and guests thereof either:

- (1) Lawful freedom of movement on the campus or lands.
- (2) Lawful use of the property, facilities or parts of any institution of learning.
- (3) The right of lawful ingress and egress to and from the institution's physical facilities.

(b) It shall be unlawful for any person, on the campus of any institution of learning or at or in any building or other facility thereof owned, operated or controlled by the state or any agency or political subdivision thereof, to willfully impede the staff or faculty of such institution in the lawful performance of their duties, or willfully impede a student of such institution in lawful pursuit of his educational activities, through use of restraint, abduction, coercion, or intimidation, or when force and violence are present or threatened.

(c) It shall be unlawful for any person to willfully refuse or fail to leave the property of, or any building or other facility owned, operated or controlled by the state or any agency or political subdivision thereof, upon being requested to do so by the chief administrative officer thereof, or by his designee charged with maintaining order on the campus or grounds and in its facilities, or a dean of such institution of learning, if such person is committing, threatens to commit, or incites others to commit, any act which would or is likely to disrupt, impair, interfere with or obstruct the lawful missions, processes, procedures or functions of such institutions of learning.

(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 of working conditions.

Section 25.153 Riot (Source: R.S. 14:329.1 et seq.)

(a) A riot is a public disturbance involving an assemblage of three or more persons acting together or in concert which by tumultuous and violent conduct, or the imminent threat of tumultuous and violent conduct, results in injury to persons, which injury is less than serious bodily injury or death, or damage to property, when the damage is five thousand (\$5000) dollars

or less, or creates a clear and present danger of such injury to persons or such damage to property.

(b) It shall be unlawful to incite to riot. Inciting to riot is the endeavor by any person to incite or procure any other person to create or participate in a riot.

(c) It shall be unlawful to willfully fail to comply with a lawful command to disperse by any law enforcement or peace officer or public official responsible for keeping the peace under authority of this section or law, if the officer or official reasonably believes that a riot is occurring or about to occur and the command to disperse is given in a manner reasonably calculated to be communicated to the assemblage.

(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 25.154 False testimony

It shall be unlawful for any person to give false testimony or evidence in proceedings before the mayor's court.

Section 25.155 Contempt of court

(a) It shall be unlawful for any person to be in contempt of court of the mayor's 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 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 therefore.
- (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 therefore 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.