

CHAPTER 15

MISCELLANEOUS CRIMES AND OFFENSES

Sub-Chapter A

In General

SECTION 15:1. CRIMINAL TRESPASS

A. Criminal trespass in the Parish of Assumption is:

1. The unauthorized and intentional entry upon or in any building, dwelling, structure, watercraft, or movable, whether or not same is posted or enclosed; or

2. The unauthorized and intentional entry upon any enclosed or unenclosed lands posted against trespassing located in the Parish. For the purpose of this section, the posting of land in the Parish against trespassing may be accomplished by alternating every 150 feet upon the land a posted sign and a white line on a tree or other marker. The posted signs shall be written in the English language and shall contain the words "POSTED," or "PRIVATE PROPERTY," or "NO HUNTING," or "KEEP OUT," or "NO TRESPASSING." The signs shall have letters at least five inches (5") in height and shall be placed at least four feet (4') but not more than seven feet (7') above the ground or water level.

B. Any person convicted of violating any provision of this section shall be fined not more than one hundred dollars (\$100.00), or imprisoned in the parish jail for not more than ninety (90) days, or both.

(Ordinance of October 13, 1982)

SECTION 15:2. DISCHARGE OF FIREARMS AND THE USE OF DANGEROUS INSTRUMENTALITIES

A. Illegal use of weapons or dangerous instrumentalities is the intentional or criminally negligent discharge of any firearm or the discharge or firing of any firearm of a caliber of .22 or larger into or across any navigable stream, within one hundred feet (100') of any parish road state or public road, or within three hundred feet (300') of any residence, except by law enforcement officers in performance of their official duties, located wholly or partially in the Parish of Assumption or the throwing, placing or other use of any article, liquid or substance where it is foreseeable that it may result in bodily harm to humans.

B. Whoever commits the crime of illegal use of weapons or dangerous instrumentalities shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than six (6) months, or both, and, further, it shall be discretionary with the Court that said firearm or dangerous instrumentality used in the commission of the crime shall automatically be forfeited to the Assumption Parish Sheriff's Office for their use or destruction.

(Ordinance of February 23, 1983; as amended by Ordinance No. 93-16, 11/10/93)

Comment - For regulations prohibiting trespassing on parish drainage facilities, see Chapter 25.

§ 15:5

SECTION 15:3. REGULATION OF THE SALE OF FIREWORKS

A. The sale of any sparkler, firecracker, roman candle, or any other device or composition used or which may be used to obtain visible or audible pyrotechnic display, is hereby regulated in the Parish of Assumption, as follows:

1. All business establishments shall be required to follow all applicable state laws and/or regulations.
2. Sale of the above shall only be made between the hours of 8:00 A.M. to 9:00 P.M., except 8:00 A.M. to 10:00 P.M. the eve of July 4, December 25, and January 1.
3. Sufficient space and off street parking shall be made available, so as not to interfere with private property owners.

B. Effective January 1, 1984, the sale and/or use of any type of pyrotechnic device known as and/or named or having the same type of visible pyrotechnic display as a "bottle rocket" is hereby prohibited in the Parish of Assumption.

C. A violation of the provisions of this section shall be punishable by a fine of up to one hundred dollars (\$100.00) or imprisonment of thirty (30) days in jail, or both a fine and imprisonment not in excess of such limits.

(Ordinance of March 10, 1982; amended January 26, 1983)

SECTION 15:4. LOITERING PROHIBITED; VIOLATIONS/PENALTIES

A. The following persons are and shall be guilty of loitering:

1. Persons who loaf the streets habitually or who frequent the streets habitually during daylight hours or at late or unusual hours of the night, or who loiter around any public place of assembly without lawful business or reason to be present; or
2. Persons found in or near any structure, moveable vessel or private grounds, without being able to account for their lawful therein.

B. The law enforcement of this Parish is hereby specifically requested to assist in the enforcement of the provisions of this section.

C. Any person who violates the provisions of this Section shall upon conviction thereof, be punished by imprisonment in the Parish Jail for a period of not less than ten (10) days nor more than thirty (30) days or by fine not less than ten dollars (\$10.00) nor more than thirty dollars (\$30.00) or by both such imprisonment and fine at the discretion of the court.

(Ordinance No. 93-01, 1/13/93; amended by Ordinance No 93-10, 9/8/93)

SECTION 15:5. CONTROL AND ABATEMENT OF EXCESSIVE NOISE

A. *Title.* The provisions of this section shall constitute and be known and may be cited as "The Assumption Parish Noise Control Ordinance".

B. *Provisions Remedial.* This is hereby declared to be remedial, and shall be construed to secure the beneficial interests and purposes thereof--which are public safety, health, and a general welfare--through the abatement purposes stated herein.

C. *Scope.* The provisions of this section shall apply to any sound producing source that can affect the health, safety and comfort of those persons within audible range of the sound.

D. *Definitions.*

NOISE: Any sound which annoys or disturbs humans or which causes or tends to cause an adverse psychological or physiological effect on humans.

NOISE DISTURBANCE: Any sound which (a) endangers or injures the safety or health of humans or (b) annoys or disturbs a reasonable person of normal sensitivities or (c) endangers or injures personal or real property.

NOISE PRODUCING SOURCE: Any person or thing emitting or capable of emitting a noise.

PUBLIC RIGHT-OF-WAY: Any street, avenue, boulevard, highway, sidewalk or alley or similar place normally accessible to the public and built primarily for public use but owned and controlled by a government entity.

PUBLIC SPACE: Any real property or structures thereon normally accessible to the public.

E. *Compliance.* A person or persons shall not make or cause to be made or continue any noise disturbance nor operate, use or cause to be used any sound reproduction device in such a manner as to create a noise disturbance. The following acts, and the causing or permitting thereof, do not comply with the provisions of this section and are declared a noise disturbance.

1. Loudspeakers/Public Address Systems. Loudspeakers, public address systems, or similar devices (1) such that the sound crosses a real property boundary, or (2) between the hours of 10:00 p.m. and 7:00 a.m. the following day on a public right-of-way or public space.

2. Radios, Television Sets, Musical Instruments. Operating, playing or permitting the operation of any radio, television, phonograph, drum, musical instrument, sound amplifier, or similar device which at any time violates the provisions of this section or which produces, reproduces or amplifies sounds stated in the following:

a. Between the hours of 12:00 a.m. and 6:00 a.m. of the same day in such a manner as to cross a real property boundary;

b. In such a manner as to create a noise fifty feet (50') from such device, when operated in or on a motor vehicle on a public right-of-way or public space, or in a boat on public waters.

3. Animals. Owning, possessing or harboring any animal or bird which frequently or for continued duration, howls, barks, meows, squawks, or makes other sounds which create a noise disturbance across a residential or commercial real property line.

F. *Enforcement/Penalties.* Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in any amount not to exceed that authorized by applicable state law, or be imprisoned for a period not exceeding ninety (90) days, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

§ 15:6

1. An additional remedy, the operation or maintenance of any device, instrument, vehicle, or machinery in violation of any provision of this section, or which operations of maintenance exceeds the limitations of this section may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

(Ordinance No. 95-06, 8/9/96; as amended by Ordinance No. 95-09, 9/13/95)

SECTION 15:6. CURFEW FOR MINORS ESTABLISHED; PENALTIES

A. It shall be unlawful for any minor under the age of seventeen (17) years to loiter, idle, wander, stroll, walk, or play in or upon streets, highways, alleys, parks, playgrounds, wharves, docks or other public grounds, public places, and public buildings, bus stations, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 10:00 P.M. and 5:00 A.M. on Monday through Thursday, and during the hours of 11:00 P.M. and 5:00 A.M. on Friday through Sunday; provided, however, that the provisions of this section do not apply to a minor accompanied by his parent, guardian, or other adult person having the care and custody of the minor. Each violation of the provisions of this section shall constitute a separate offense and shall be a misdemeanor.

B. In the event that any minor under the age of seventeen (17) is attending any organized adult supervised function, whether religious, school, civic or any other, the said minor shall be allowed one (1) extra hour grace period, after completion of said function referred to above, to return home or to the place agreed upon by the minor's parents, guardian, or person having the care, custody and control of said minor.

C. It shall be unlawful for any parent, guardian or other person having the care and custody of a minor under the age of seventeen (17) years to permit such minor to loiter, idle, wander, stroll, walk or play in or upon streets, highways, roads, alleys, parks, playgrounds, wharves, docks, or other public grounds, public places, and public buildings, bus stations, places of amusement and entertainment, vacant lots or other unsupervised places, whether public or private, between the hours as defined and regulated herein; provided, however, that the provisions of this section do not apply to a minor accompanied by his parent, guardian, or other adult persons having the care and custody of the minor or when the minor is upon an emergency errand or legitimate purpose directed by his or her parent, guardian, or other adult person having the care and custody of this minor. Each violation of the provisions of this section shall constitute a separate offense and shall be a misdemeanor.

D. It shall be unlawful for any person operating or in charge of any place of amusement, entertainment or refreshment to permit any minor under the age of seventeen (17) years to remain in such place during the hours prohibited by this section; provided, however, that the provisions of this section shall not apply when such minor is accompanied by his or her parent, guardian, or other adult person having the care and custody of the minor. Each violation of the provisions of this section shall constitute a separate offense.

E. It shall be unlawful for any minor under the age of seventeen (17) years who shall be found to loiter, idle, wander, stroll, walk or play in or upon streets, highways, roads, alleys, parks, playgrounds, wharves, docks or other public grounds, public places, and public buildings, bus stations, places of amusement and entertainment, vacant lots, private property, or other unsupervised places, whether public or private, between the hours as defined regulated herein, shall be presumed to be acting without the authority or permission of his or her parent, guardian, or the adult person having the care and custody of the minor, which presumption may be rebutted by the testimony of the parent, guardian, or other adult person having the care and custody of the minor; provided, however, that the provisions of this section do not apply to a minor accompanied by his parent, guardian, or other adult person having the care and custody of the minor.

F. *Violations and Penalties.* Any minor violating the provisions of this section hereof shall be dealt with according to the Juvenile Court Law and procedure as set forth in Louisiana R.S. 13:1561 through 13:1592. Any parent, guardian or other adult person having the care, custody and control of a minor found guilty of violating hereof shall be punished by a fine not exceeding five hundred dollars (\$500.00) or thirty (30) days in jail or both. Any person operating or in charge of any place of amusement, entertainment or refreshment in the parish who shall be found guilty of violating this section hereof shall upon conviction be punished by a fine not exceeding five hundred dollars (\$500.00) or thirty (30) days in jail or both.

(Ordinance No. 93-12, 10/13/93; as amended by Ordinance No. 95-08, 8/23/95)

SECTIONS 15:7 - 15:19. RESERVED

**SECTION 15:20. SMOKING IN GOVERNMENTAL BUILDINGS
PROHIBITED; PENALTIES**

A. It shall be unlawful for any person to smoke, except in designated areas, any type of tobacco, including but not necessarily limited to cigarettes, pipes, and cigars inside the Assumption Parish Governmental Buildings, Assumption Parish, Louisiana.

B. Notwithstanding any other provisions of this section, smoking shall be permitted in designated smoking areas, to be specified by the Parish administration, which shall be so situated as to allow non-smoking individuals the opportunity to conduct normal activity in a reasonably smoke-free environment.

C. The “smoking” or “no smoking” signs, whichever are appropriate shall be clearly and conspicuously posted by the person or persons in control of every governmental building where smoking is controlled by the provisions of this section.

D. Any person who violates the provisions of this section shall be subject to a misdemeanor and a fine not to exceed fifty dollars (\$50.00).

(Ordinance No. 93-13, 9/22/93)

SECTION 15:21. INSTALLATION OF UNDERGROUND CABLE

A. It is hereby prohibited for any person, firm or corporation to construct, erect, build or establish underground cable(s) for commercial use which are less than three feet (3') from the top of the ground to the top of the cable or three feet (3') from the bottom of a ditch to the top of the cable.

B. A violation of this section shall be a misdemeanor and punishable by a fine of one hundred dollars (\$100.00) or imprisonment for not more than fifteen (15) days or both, at the discretion of the court.

(Ordinance No. 85-10, 10/23/85)

[RESERVED]

[The next page is CHAPTER 16, "MISCELLANEOUS PROVISIONS", page 16-1.]