

CHAPTER 14
CRIMINAL CODE

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PART I. GENERAL PROVISIONS

Section 14.1 Short title (Source: R.S. 14:1)

This Chapter may be cited as the "Livonia Criminal Code."

Section 14.2 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 town or any subdivision thereof.

(2) "Anything of value" must be given the broadest possible construction, including any conceivable thing of the slightest value, movable or immovable, corporeal or incorporeal, public or private, and including transportation, telephone and telegraph services, or any other service available for hire. It must be construed in the broad popular sense of the phrase, not necessarily as synonymous with the traditional legal term "property." In all cases involving shoplifting the term "value" is the actual retail price of the property at the time of the offense.

(3) "Dangerous weapon" includes any gas, liquid, or other substance or instrumentality, which, in the manner used, is calculated or likely to produce death or great bodily harm.

(4) "Foreseeable" refers to that which ordinarily would be anticipated by a human being of average reasonable intelligence and perception.

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

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

(7) "Public officer," "public office," "public employee" or "position of public authority" means and applies to any executive, ministerial, administrative, judicial, or legislative officer, office, employee, or position of authority respectively, of the state or any parish, town, district, or other political subdivision thereof, or of any agency, board, commission, department or institution of said state, parish, town, district, or other political subdivision.

(8) "Town" means this town, or any agency, board, commission, department, or institution of the town.

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

Section 14.3 Interpretation (Source: R.S. 14:3)

The sections of this 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 14.4 Conduct prohibited under several sections; how prosecuted (Source: R.S. 14:4)

Prosecution may proceed under either provision, in the discretion of the prosecuting attorney, whenever an offender's conduct is either:

(1) Prohibited according to a general or special section of this Chapter.

(2) Prohibited according to a section of this Chapter and also according to some other ordinance.

Section 14.5 Lesser and included offenses (Source: R.S. 14:5)

An offender who commits an offense which includes all the elements of other lesser offenses, may be prosecuted for and convicted of either the greater offense or one of the lesser and included offenses. In such case, where the offender is prosecuted for the greater offense, he may be convicted of any one of the lesser and included offenses.

Section 14.6 General penalty

A. Whenever an act is prohibited or is made or declared to be unlawful or an offense, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, where there is no specific penalty provided therefor, the violation shall be punished by a fine not exceeding five hundred (\$500) dollars, imprisonment for not more than sixty (60) days, or both.

B. Unless otherwise specifically provided in this 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 this Chapter shall be punished as provided in this Section.

PART II. ELEMENTS OF OFFENSES

Section 14.7 Offense defined (Source: R.S. 14:7)

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

Section 14.8 Criminal conduct (Source: R.S. 14:8)

Criminal conduct consists of either:

(1) An act or a failure to act that produces criminal consequences, and which is combined with criminal intent.

(2) A mere act or failure to act that produces criminal consequences, where there is no requirement of criminal intent.

(3) Criminal negligence that produces criminal consequences.

Section 14.9 Criminal consequences (Source: R.S. 14:9)

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

Section 14.10 Criminal intent (Source: R.S. 14:10)

Criminal intent may be specific or general:

(1) Specific criminal intent is that state of mind which exists when the circumstances indicate that the offender actively desired the prescribed criminal consequences to follow his act or failure to act.

(2) General criminal intent is present whenever there is specific intent, and also when the circumstances indicate that the offender, in the ordinary course of human experience, must have adverted to the prescribed criminal consequences as reasonable certain to result from his act or failure to act.

Section 14.11 Criminal intent; how expressed (Source: R.S. 14:11)

The definitions of some offenses require a specific criminal intent, while in others no

intent is required. Some offenses consist merely of criminal negligence that produces criminal consequences. However, in the absence of qualifying provisions, the terms "intent" and "intentional" have reference to "general criminal intent."

Section 14.12 Criminal negligence (Source: R.S. 14:12)

Criminal negligence exists when, although neither specific nor general criminal intent is present, there is such disregard of the interest of others that the offender's conduct amounts to a gross deviation below the standard of care expected to be maintained by a reasonably careful man under like circumstances.

PART III. CULPABILITY

Section 14.14 Insanity (Source: R.S. 14:14)

If the circumstances indicate that because of a mental disease or mental defect the offender was incapable of distinguishing between right and wrong with reference to the conduct in question, the offender shall be exempt from responsibility.

Section 14.15 Intoxication (Source: R.S. 14:15)

The fact of an intoxicated or drugged condition of the offender at the time of the commission of the offense is immaterial, except as follows:

(1) Where the production of the intoxicated or drugged condition has been involuntary, and the circumstances indicate this condition is the direct cause of the commission of the offense, the offender is exempt from responsibility.

(2) Where the circumstances indicate that an intoxicated or drugged condition has precluded the presence of a specific intent or of special knowledge required in a particular offense, this fact constitutes a defense to a prosecution for that offense.

Section 14.16 Mistake of fact (Source: R.S. 14:16)

Unless there is a provision to the contrary in the definition of an offense, reasonable ignorance of fact or mistake of fact which precludes the presence of any mental element required in that offense is a defense to any prosecution for that offense.

Section 14.17 Mistake of ordinance (Source: R.S. 14:17)

Ignorance of any provision of this 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 any of 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.

(2) Where the offender reasonably relied on a final judgment of a competent court of last resort that a provision making the conduct in question criminal was unconstitutional.

Section 14.18 Justification; general provisions (Source: R.S. 14:18)

The fact that an offender's conduct is justifiable shall constitute a defense to prosecution for any offense based on that conduct. This defense of justification can be claimed under any of the following circumstances:

(1) When the offender's conduct is an apparently authorized and reasonable fulfillment of any duties of public office.

(2) When the offender's conduct is a reasonable accomplishment of an arrest which is lawful.

(3) When for any reason the offender's conduct is authorized by law or ordinance.

(4) When the offender's conduct is reasonable discipline of minors by their parents, tutors, or teachers.

(5) When the offense consists of a failure to perform an affirmative duty and the failure to perform is caused by physical impossibility.

(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.

(7) When the offender's conduct is in defense of persons or of property under any of the circumstances described in Sections 19 through 22.

Section 14.19 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 14.21 Aggressor cannot claim self-defense (Source: R.S. 14:21)

A person who is the aggressor or who brings on a difficulty cannot claim the right of self-defense unless he withdraws from the conflict in good faith and in such a manner that his adversary knows or should know that he desires to withdraw and discontinue the conflict.

Section 14.22 Defense of others (Source: R.S. 14:22)

It is justifiable to use force or violence or to kill in the defense of another person when it is reasonably apparent that the person attacked could have justifiably used such means himself, and when it is reasonably believed that such intervention is necessary to protect the other person.

PART IV. PARTIES

Section 14.24 Principals (Source: R.S. 14:24)

All persons concerned in the commission of an offense, whether present or absent, and whether they directly commit the act constituting the offense, aid and abet in its commission, or

directly or indirectly counsel or procure another to commit the offense, are principals.

PART V. INCHOATE OFFENSES

Section 14.26 Conspiracy (Source: R.S. 14:26)

A. Conspiracy is the agreement or combination of two or more persons for the specific purpose of committing any offense; provided that an agreement or combination to commit an offense shall not amount to a conspiracy unless, in addition to such agreement or combination, one or more of such parties does an act in furtherance of the object of the agreement or combination.

If the intended basic offense has been consummated, the conspirators may be tried for either the conspiracy or the completed offense, and a conviction for one shall not bar prosecution for the other.

B. Whoever is a party to a conspiracy to commit any offense shall be fined or imprisoned, or both, in the same manner as for the offense contemplated by the conspirators but such fine or imprisonment shall not exceed one-half of the largest fine, or one-half the longest term of imprisonment prescribed for such offense, or both.

Section 14.27 Attempt (Source: R.S. 14:27)

A. Any person who, having a specific intent to commit an offense, does or omits an act for the purpose of and tending directly toward the accomplishing of his object is guilty of an attempt to commit the offense intended; and it shall be immaterial whether, under the circumstances, he would have actually accomplished his purpose.

B. Mere preparation to commit an offense shall not be sufficient to constitute an attempt; but lying in wait with a dangerous weapon with the intent to commit an offense, or searching for the intended victim with a dangerous weapon with the intent to commit an offense, shall be sufficient to constitute an attempt to commit the offense intended.

C. An attempt is a separate but lesser grade of the intended offense; and any person may be convicted of an attempt to commit an offense, although it appears on the trial that the offense intended or attempted was actually perpetrated by such person in pursuance of such attempt.

D. Whoever attempts to commit any offense shall be 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 14.33 Battery defined (Source: R.S. 14:33)

Battery is the intentional use of force or violence upon the person of another; or the intentional administration of a poison or other noxious liquid or substance to another.
(Ordinance 6 adopted 1/5/60)

Section 14:34.3. Battery of a school teacher (Source: R.S. 14:34.3)

A.(1) Battery of a school teacher is a battery committed without the consent of the victim when the offender has reasonable grounds to believe the victim is a school teacher acting in the performance of employment duties.

(2) For purposes of this Section, "school teacher" shall include any teacher or instructor, administrator, staff person, or employee of any public or private elementary, secondary, vocational-technical training, special, or post-secondary school or institution.

B. Whoever violates this Section shall be fined not more than five hundred (\$500) dollars or imprisoned not less than fifteen (15) days nor more than sixty (60) days. At least seventy-two (72) hours of the sentence imposed shall be imposed without benefit of suspension of sentence.

Section 14:34.4. Battery of a school or recreation athletic contest official (Source: R.S. 14:34.4)

A.(1) Battery of a school or recreation athletic contest official is a battery committed without the consent of the victim when the offender has reasonable grounds to believe the victim is a school athletic or recreation contest official.

(2) For purposes of this Section, "school athletic contest official" means any referee, umpire, coach, instructor, administrator, staff person, or school or school board employee of any public or private elementary and secondary school while actively engaged in the conducting, supervising, refereeing, or officiating of a school sanctioned interscholastic athletic contest.

(3) For purposes of this Section, "recreation athletic contest official" means any referee, umpire, coach, instructor, administrator, staff person, or recreation employee of any public or quasi public recreation program while actively engaged in the conducting, supervising, refereeing, or officiating of a sanctioned recreation athletic contest.

B.(1) Whoever violates this Section shall be fined not more than five hundred (\$500) dollars and imprisoned not less than forty-eight (48) hours nor more than sixty (60) days without benefit of suspension of sentence, except as provided in Paragraph (2).

(2) The court, in its discretion, may suspend the imposition of the sentence and place the offender on probation with the condition that he shall perform five (5) days of community service work. Failure to successfully complete the community service work, as determined by the supervisor of the program to which he is assigned, may result in revocation of probation.

Section 14.35 Simple battery (Source: R.S. 14:35)

It shall be unlawful for any person to commit simple battery. Simple battery is a battery committed without the consent of the victim.
(Ordinance 6 adopted 1/5/60)

Section 14:35.1. Simple battery of a child welfare worker (Source: R.S. 14:35.1)

A.(1) Simple battery of a child welfare worker is a battery, other than a second degree battery or an aggravated battery, committed without the consent of the victim when the offender has reasonable grounds to believe the victim is a child welfare worker working in the performance of employment duties who has presented proper identification.

(2) For purposes of this Section, "child welfare worker" shall include any child protection investigator, family services worker, foster care worker, adoption worker, any supervisor of the above, or any person authorized to transport clients for the agency.

B. 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 14:35.2. Simple battery of the infirm (Source: R.S. 14:35.2)

A. Simple battery of the infirm is a battery committed against an infirm, disabled, or aged person who is incapable of consenting to the battery due to either of the following:

(1) Advanced age.

(2) Unsoundness of mind, stupor, abnormal condition of the mind, or other mental or developmental disability, regardless of the age of the victim.

B. For purposes of this Section, "infirm, disabled, or aged person" shall include but not be limited to any individual who is a resident of a nursing home, mental retardation facility, mental health facility, hospital, or other residential facility, or any individual who is sixty years of age or older. Lack of knowledge of the person's age shall not be a defense.

C. Whoever violates this Section shall be fined not more than five hundred (\$500) dollars and imprisoned not less than thirty (30) days nor more than sixty (60) days, or both.

Section 14.36 Assault defined (Source: R.S. 14:36)

Assault is an attempt to commit a battery, or the intentional placing of another in reasonable apprehension of receiving a battery.
(Ordinance 6 adopted 1/5/60)

Section 14.37 Aggravated assault (Source: R.S. 14:37)

It shall be unlawful for any person to commit aggravated assault. Aggravated assault is an assault committed with a dangerous weapon.
(Ordinance 6 adopted 1/5/60)

Section 14.37.3 Unlawful use of a laser on a police officer (Source: R.S. 14:37.3)

A. Unlawful use of a laser on a police officer is the intentional projection of a laser on or at a police officer without consent of the officer when the offender has reasonable grounds to believe the officer is a police officer acting in the performance of his duty and the officer will be injured, intimidated, or placed in fear of bodily harm.

B. For purposes of this Section the following terms have the following meanings:

(1) "Laser" means any device that projects a beam or point of light by means of light amplification by stimulated emission of radiation or any device that emits light which stimulates the appearance of a laser.

(2) "Police officer" includes commissioned police officers, sheriffs, deputy sheriffs,

marshals, deputy marshals, correctional officers, constables, wildlife enforcement agents, and probation and parole officers.

Section 14.38 Simple assault (Source: R.S. 14:38)

A. Simple assault is an assault committed without a dangerous weapon.

B. Whoever commits a simple assault shall be fined not more than two hundred (\$200) dollars, or imprisoned for not more than sixty (60) days, or both.
(Ordinance 6 adopted 1/5/60)

Section 14.38.2 Assault on a school teacher (Source: R.S. 14:38.2)

A.(1) Assault on a school teacher is an assault committed when the offender has reasonable grounds to believe the victim is a school teacher acting in the performance of his duties.

(2) For purposes of this Section, "school teacher" means any teacher, instructor, administrator, staff person, or employee of any public or private elementary, secondary, vocational-technical training, special, or postsecondary school or institution.

B. Whoever commits assault on a school teacher shall be fined not more than five hundred (\$500) dollars or imprisoned not less than thirty (30) days nor more than sixty (60) days, or both.

Section 14.39 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 14.46 False imprisonment (Source: R.S. 14:46)

A. False imprisonment is the intentional confinement or detention of another, without his consent, without proper legal authority, and when 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.

PART V. OFFENSES AGAINST PROPERTY

Section 14:56.1. Criminal damage to coin-operated devices (Source: R.S. 14:56.1)

A. Criminal damage to a coin-operated device is the intentional damaging of any coin-operated device belonging to another when the damage amounts to less than one hundred (\$100) dollars.

B. Coin-operated device means any parking meter, pay telephone, vending machine, money-changing machine, or any other coin activated device designed to accept money for a privilege, service, or product.

C. For purposes of this Section, the value of damages shall be determined by the actual cost of repair, or replacement if necessary.

Section 14.59 Criminal mischief (Source: R.S. 14:59)

It shall be unlawful for any person to commit criminal mischief. Criminal mischief is the intentional performance of any of the following acts:

(1) Tampering with any property of another, without the consent of the owner, with the intent to interfere with the free enjoyment of any rights of anyone thereto, or with the intent to deprive anyone entitled thereto of the full use of the property.

(2) Giving of any false alarm of fire or notice which would reasonably result in emergency response.

(3) Driving of any tack, nail, spike or metal over one and one-half (1 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 town street, without prior written approval of the town or its representative, provided prior written approval is not required for agents or employees of public utility companies in situations of emergency where the person or property of others is endangered.

(5) Giving of any false report or complaint to any officer of the law relative to the commission of, or an attempt to commit, an offense or crime.

(6) Throwing any stone or any other missile in any street, avenue, alley, road, highway, open space, public square, or enclosure, or throwing any stone, missile, or other object from any place into any street, avenue, road, highway, alley, open space, public square, enclosure, or at any train, railway car, or locomotive.

(7) Taking temporary possession of any part or parts of a place of business, or remaining in a place of business after the person in charge of such business or portion of such business has directed such person to leave the premises and to desist from the temporary possession of any part or parts of such business.

(8) The communication to any person for the purpose of disrupting any public utility water service, when the communication causes any officer, employee, or agent of the service reasonably to be placed in sustained fear for his or another person's safety, or causes the evacuation of a water service building, or causes any discontinuance of any water service.

(9) The discharging of any firearm at a train, locomotive, or railway car.

(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.

Section 14.59.1 False alarms

It shall be unlawful for any person to intentionally make, turn in, or report a false alarm of fire or of need for police or ambulance assistance.

Section 14.61 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 without first giving the town fire department written notice of intention to burn over the lands, giving a description of the property which will reasonably describe the location where the burning shall begin, and the date on which the lands are to be burned over.

B. Whoever commits fire-raising on lands of another shall be fined not more than three hundred (\$300) dollars or imprisoned for not more than thirty (30) days, or both.

Section 14.61.1 Fire-raising on lands of another with malice (Source: R.S. 14:205)

It shall be unlawful for any person to commit fire-raising on lands of another with malice. Fire-raising on lands of another with malice is the malicious setting fire to any grass, leaves, brush, or debris on lands of another, or the procuring same to be done.

Section 14.62 Fire prevention interference (Source: R.S. 14:206)

It shall be unlawful for any person to commit fire prevention interference. Fire prevention interference is the intentional performance of any of the following acts:

(1) Defacing or destroying fire warning notices or posters.

(2) Injuring, destroying, removing or in any manner interfering with the use of any tools, equipment, towers, buildings or telephone lines used in the detection, reporting or suppression of fire.

Section 14.63 Criminal trespass (Source: R.S. 14:63)

A. No person shall without authorization intentionally enter any structure, watercraft, or movable.

B. No person shall intentionally enter immovable property owned by another either:

(1) When he knows his entry is unauthorized.

(2) Under circumstances where he reasonably should know his entry is unauthorized.

C.(1) It shall be an affirmative defense to a prosecution pursuant to Paragraph B(2) that the person was unarmed and entered immovable property for the sole purpose of retrieving a dog or livestock.

(2) It shall be an affirmative defense to a prosecution pursuant to Paragraph B(2) to show that property as not adequately posted in accordance with Subsections D and E of this Section.

D. In order for any immovable property other than forest land to be adequately posted, including cultivated land, orchards, pasture lands, impoundments, or other immovable property, the owner, lessee, or person having the written permission of the owner or lessee shall post the property by any one of the following methods:

(1) Placing identifying paint marks on posts around the area to be posted. Each paint mark shall be a vertical line of at least eight (8") inches in length, and the bottom of the mark shall be no less than three (3') feet nor more than five (5') feet high. Such paint marks shall be placed no more than one thousand (1000') feet apart and at normal points of ingress and egress and shall be readily visible to any person approaching the property.

(2) Placing signs around the area to be posted at points no more than one thousand feet (1000') apart and at each normal point of ingress and egress. The signs shall bear the words "Posted", "No Trespassing", or "No" in letters at least three and one-half (3 1/2") inches high and shall be so placed as to be readily visible to any person approaching the property.

(3) Constructing a fence around the area to be posted of not less than three (3) strand wire, or its equivalent, and placing signs that bear the words "Posted", "No Trespassing", or "No" in letters at least three and one-half (3 1/2") inches high at normal points of ingress and egress.

E. The type of color of the paint to be used for posing shall be prescribed by regulation by the Louisiana Forestry Commission. The color of paint prescribed shall not be used on trees or posts for any other purpose.

F. Affirmative defenses to a prosecution pursuant to Subsection B of this Section shall be either:

(1) That the entry was by a registered land surveyor, and his personnel, engaged in the "Practice of Land Surveying", as defined in R.S. 37:682, or a person employed by a public utility acting in the course and scope of his employment relating to operation, repair, or maintenance of a public utility facility.

(2) That the entry was by an employee or agent of the Louisiana Department of Agriculture and Forestry and was for the purpose of locating and suppressing wildfire in accordance with the rules and regulations of the department.

G. Whoever commits criminal trespass shall be fined not more than five hundred (\$500) dollars.

H. Upon a second or subsequent conviction, regardless of whether the second offense occurred before or after the first conviction, the offender shall be imprisoned for not more than sixty (60) days or shall be fined not more than five hundred (\$500) dollars, or both.

I. No person shall knowingly paint such color prescribed by the Louisiana Forestry Commission for posting immovable property on any tree or post for any purpose other than posting immovable property pursuant to Paragraph (1) of Subsection D of this Section. Any person who violates this Subsection shall be fined not more than five hundred (\$500) dollars. (Ordinance adopted 9/27/67)

Section 14.63.1 Illegal posting (Source: R.S. 14:63.1)

A. Illegal posting is the posting or the placing and/or maintaining of posted signs on property by anyone other than:

- (1) The owner or his duly authorized agent or representative.
- (2) The lessee or his duly authorized agent or representative.
- (3) A person having the written permission of the owner or lessee.

B. Whoever commits illegal posting shall be fined not more than five hundred (\$500) dollars.

Section 14.63.2 Destruction, defacing, or removal of posted signs (Source: R.S. 14:63.2)

A. No person shall intentionally and without authority destroy, deface or remove posted signs, or signs designating or purporting to designate the boundary lines of immovable property.

B. Whoever violates this Section shall be fined not less than fifty (\$50) dollars, nor more than three hundred (\$300) dollars, or imprisoned for not more than sixty (60) days, or both. (Ordinance adopted 9/27/67)

Section 14.63.3 Entry on or remaining in places or on land after being forbidden
(Source: R.S. 14:63.3)

It shall be unlawful for any person without authority to go into or upon or remain in or upon or attempt to go into or upon or remain in or upon any structure, watercraft, or any other movable, or immovable property, which belongs to another, including public buildings and structures, ferries, and bridges, or any part, portion, or area thereof, after having been forbidden to do so, either orally or in writing, including by means of any sign hereinafter described, by any owner, lessee, or custodian of the property or by any other authorized person. For the purposes of this Section, the above mentioned sign means a sign or signs posted on or in the structure, watercraft, or any other movable, or immovable property, including public buildings and structures, ferries and bridges, or part, portion or area thereof, at a place or places where such sign or signs may be reasonably expected to be seen. (Ordinance adopted 9/27/67)

Section 14.63.4 Aiding and abetting others to enter or remain on premises where forbidden
(Source: R.S. 14:63.4)

A. It shall be unlawful for any person to incite, solicit, urge, encourage, exhort, instigate, or procure any other person to go into or upon or to remain in or upon any structure, watercraft, or any other movable which belongs to another, including public buildings and structures, ferries, and bridges, or any part, portion, or area thereof, knowing that such other person has been forbidden to go or remain there, either orally or in writing, including by means of any sign

hereinafter described, by the owner, lessee, or custodian of the property or by any other authorized person.

B. 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.
(Ordinance adopted 9/27/67)

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

A. No person shall without authorization intentionally access into or upon any railroad movable property when he knows such access is unauthorized, or under circumstances where he reasonably should know such access is unauthorized.

B. As used herein:

(1) "Access" means to enter by any means and includes but is not limited to the attaching or holding by any means onto any train, locomotive, or railroad car.

(2) "Railroad movable property" means any rolling stock owned, leased, operated, or possessed by a railroad, including but not limited to any train, locomotive, or railway car located or operated upon any railroad property.

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

A. No person shall, without authorization, intentionally enter any property of a railroad when he knows his entry is unauthorized, or under circumstances where he reasonably should know his entry is unauthorized, and when such entry is with the intent to interfere with, interrupt, or prevent the operation of any train, locomotive, or railway car.

B. No person shall remain in or upon any property of a railroad when authorization for his entry was not given, or has been withdrawn, and when his continued presence interferes with, interrupts, or prevents the operation of any train, locomotive, or railway car.

C. "Property of a railroad" as used herein means any movable or immovable property owned or leased by a railroad, or any immovable property possessed by a railroad upon which is placed a railroad track and the land adjacent thereto.

Section 14.63.10 Vehicular trespass (Source 14:63.10)

A. No person shall knowingly enter into or upon the motor vehicle, boat, or aircraft of another, without the consent of its owner or of any person who has a right to possession superior to that of the entrant, when the entrant is not otherwise privileged to do so.

B. "Enter into or upon" means either:

(1) To open or unlock any door, window, or other access opening of any motor vehicle, boat, or aircraft.

(2) To be astride of any motor vehicle, boat, or aircraft.

(3) To be supported by any motor vehicle, boat, or aircraft.

C. An entrant is privileged to enter if either:

(1) He is attempting to render aid or assistance to an ill or injured person.

(2) He reasonably believes that the entry is necessary to prevent injury to person or property.

(3) He is a state or local law enforcement officer in the performance of his official duties.

Section 14.67 Theft (Source: R.S. 14:67)

It shall be unlawful for any person to commit theft. Theft is the misappropriation or taking of anything of value of less than a value of three hundred (\$300) dollars which belongs to another, either without the consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations. An intent to deprive the other permanently of whatever may be the subject of the misappropriation or taking is essential.

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

A. Theft of animals is the misappropriation or taking of any animal which belongs to another, either without consent of the other to the misappropriation or taking, or by means of fraudulent conduct, practices, or representations, when the misappropriation or taking amounts to less than a value of one hundred (\$100) dollars. An intent to deprive the other permanently of the animal or an intent to ransom it for the purpose of extorting money or favor is essential.

B. The value of the animal which was misappropriated or taken shall be decided by the court, based upon the evidence establishing the value beyond a reasonable doubt, including but not limited to the following:

(1) The amount of money which was acquired from the sale, use, or other disposal of the animal.

(2) Expert testimony as to the amount of money which may be acquired from the sale, use, or other disposal of the animal.

(3) In cases of a pet other than a dog, testimony by the owner as to the strength of the bond between the owner and the animal and the emotional attachment between the animal and the owner or person with whom the animal is attached.

C. For the purposes of this Section, "animal" means any non-human living creature except for (1) livestock (any animal, hybrid, mixture, or mutation of the species of horses, mules, donkeys, asses, cattle, swine, sheep, goats, domesticated deer, buffalo, bison, beefalo, or oxen) and (2) for a dog that is also a pet.

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

A.(1) "Access card" shall mean and include any card, plate, account number, paper, book, or any other device, issued to a person which authorizes such person to obtain credit, money, goods, services, or anything of value, whether contemporaneously or not, by use of any credit or deferred payment plan with the issuer or by use of debiting or charging such person's demand deposit or savings or time account with the issuer or by debiting or charging any other funds such person has on deposit with the issuer.

(2) "Revoked Access Card" as used herein shall mean an Access Card which has been cancelled or terminated by the issuer of said Access Card.

(3) "Person" as used herein shall mean and include natural persons, or any organization, or other entity.

(4) "Issuer" as used herein shall be the depository and/or creditor issuing the Access Card, directly or through another entity.

(5) The aggregate amount or value of credit, money, goods, services or anything else of value obtained shall determine the value of the misappropriation or taking in determining the penalty under Section 67 when the offender has obtained the credit, money, goods, services or anything else of value from any one issuer or the offender has used an Access Card, or referred to a nonexistent Access Card on two or more occasions within any consecutive ninety (90) day period.

B. Whoever, directly or indirectly, by agent or otherwise, with intent to defraud, (1) uses a forged Access Card, (2) makes reference by number or other description to a nonexistent Access Card, (3) steals or wrongfully appropriates an Access Card, or (4) uses an Access Card belonging to another person without authority of said person; thereby obtaining, whether contemporaneously or not, credit, money, goods, services or anything of value shall be guilty of theft and shall be subject to the penalties provided for the offense of theft in Section 67.

C. Whoever, directly or indirectly, by agent or otherwise, with intent to defraud, uses a revoked Access Card, thereby obtaining, whether contemporaneously or not, credit, money, goods, services or anything of value shall be guilty of theft and shall be subject to the penalties provided for the offense of theft in Section 67. For purposes of this Subsection, it shall be presumptive evidence that a person used a revoked Access Card with intent to defraud if the said person, directly or indirectly, by agent or otherwise, uses the said Access Card after actually receiving oral or written notice that the Access Card has been cancelled or terminated, or if said person, directly or indirectly, by agent or otherwise, uses the said Access Card at a time period more than five (5) days after written notice of the termination or cancellation of said Access Card has been deposited by registered or certified mail in the United States mail system. Said notice shall be addressed to the person to whom such Access Card has been issued at the last known address for such person as shown on the records of the issuer.

D. Whoever, directly or indirectly, by agent or otherwise, with the intent to defraud, uses an Access Card to obtain, whether contemporaneously or not, money, goods, services or anything of value, and the final payment for said items is to be made by debiting or charging said person's demand deposit or savings or time account with issuer, or by debiting or charging any other funds said person has on deposit with issuer, and there are not sufficient funds on deposit to the credit of said person with the issuer to make payment in full of said items obtained, said person shall have committed the offense of theft in Section 67. Said person's failure to pay the amount due on said items obtained:

(1) Within ten (10) days after written notice of said amount due has been deposited by certified or registered mail in the United States mail system addressed to the person to whom such Access Card has been issued at the last known address for such person as shown on the records of issuer; or

(2) Within ten (10) days of delivery or personal tender of said written notice shall be presumptive evidence of said person's intent to defraud.

E. As used herein and in Section 67, the Access Card itself shall be a thing of value, with a value less than one hundred (\$100) dollars.

F. In addition to any other fine or penalty imposed under this Section or under Section 67, the court may, at its discretion, order as a part of the sentence, restitution.

Section 14:67.6. Theft of utility service; inference of commission of theft
(Source: R.S. 14:67.6)

A. Theft of utility service is the misappropriation, taking, or use of any electricity, gas, water, or telecommunications which belongs to another, is held for sale by another, or is being distributed by another, without the consent of the owner, seller, or distributor or by means of fraudulent conduct, practices, or representations by a person who has not been previously convicted of such offense. A taking, misappropriation, or use includes the diversion by any means or device of any quantity of electricity, gas, water, or telecommunications from the wires, cables, pipes, mains, or other means of transmission of such person, or by directly or indirectly preventing a metering device from properly registering the quantity of electricity, gas, water, or telecommunications actually used, consumed, or transmitted.

B. The trier of fact may infer that there was a misappropriation, taking, or using without the consent of the owner, seller, or distributor, or that there was fraudulent conduct, practices, or representations when:

(1) There is on or about any wire, cable, pipe, main, or meter, or the equipment to which said wire, cable, pipe, main, or meter is affixed or attached, any device or any other means resulting in the diversion of electricity, gas, water, or telecommunications, or any device or any other means resulting in the prevention of the proper action or accurate registration of the meter or meters used to measure the quantity of electricity, gas, water, or telecommunications actually used, consumed, or transmitted, or interfering with the proper action or accurate registration of such meter or meters;

(2) The person charged had custody or control of the room, structure, or place where such device, other means, or such wire, cable, pipe, main, meter, or equipment affixed or attached thereto was located; and

(3) The person charged benefited from the misappropriation of such utility service; or

(4) The person charged intentionally supplied false information in applying for such utility service.

C. The offender shall be fined not less than one hundred (\$100) dollars nor more than five hundred (\$500) dollars or imprisoned for not more than sixty (60) days, or both.

D. This Section shall not apply to the attachment on the customer's side of the customer's

main electric disconnect of any device which lowers the quantity of utilities actually used and does not divert such utilities or prevent their proper registration.

Section 14.67.10 Theft of goods (Source: R.S. 14:67.10)

It shall be unlawful for any person to commit theft of goods. Theft of goods is the misappropriation or taking of anything of value with a value of less than three (\$300) hundred 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.

Section 14.68 Unauthorized use of a movable (Source: R.S. 14:68)

It shall be unlawful for any person to commit unauthorized use of a movable. Unauthorized use of a movable is the intentional taking or use of a movable having a value of 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.

Section 14.68.1 Unauthorized removal of shopping cart, basket, or dairy case
(Source: R.S. 14:68.1)

A. It shall be unlawful for any person to remove a shopping cart, basket, or dairy case belonging to another from the parking area or grounds of any store without authorization therefor.

B. Whoever commits unauthorized removal of a shopping cart, basket, or dairy case from the parking area or grounds of a store shall be fined not more than one hundred (\$100) dollars, or imprisoned for not more than sixty (60) days, or both.

Section 14.68.2 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 14.68.6 Unauthorized ordering of goods or services (Source: R.S. 14:68.6)

A. It is unlawful for any person to intentionally place an order for any goods or services to be supplied or delivered to another person when all of the following circumstances apply:

(1) The person receiving the goods or services has not previously authorized such an order, does not reside with the person who placed the order, and the goods or services are not being given as a gift to that person.

(2) The person receiving the goods or services is required to pay for such goods or services, either in advance or upon delivery and has not previously agreed to do so, or is required to return the items to the sender at his expense.

(3) The person placing the order for goods or services intends to harass or annoy the person receiving such goods or services.

B. Receipt and use of an item described in this Section by the receiver shall constitute an affirmative defense to prosecution under this Section.

C. If the person who places the order for the goods or services is told by the customer who receives the goods or services that the customer did not desire the goods or services, the customer is released from any obligation to pay for such goods or services and the providing person shall not be liable under this Section.

Section 14.69 Illegal possession of stolen things (Source: R.S. 14:69)

A. It shall be unlawful for any person to commit illegal possession of stolen things. Illegal possession of stolen things is the intentional possessing, procuring, receiving, or concealing of anything of value of less than three hundred (\$300) dollars which has been the subject of any robbery or theft, under circumstances which indicate that the offender knew or had good reason to believe that the thing was the subject of one of these offenses.

B. It shall be an affirmative defense to a violation of this Section committed by means of possessing, that the accused, within seventy-two (72) hours of his acquiring knowledge or good reason to believe that a thing was the subject of robbery or theft, reports that fact or belief in writing to the district attorney, town prosecuting attorney, or chief of police.

Section 14.70 False accounting (Source: R.S. 14:70)

It shall be unlawful for any person to commit false accounting. False accounting is the intentional rendering of a financial statement of account which is known by the offender to be false, by anyone who is obliged to render an accounting by the law pertaining to civil matters.

Section 14.70.6 Unlawful distribution, possession, or use of theft alarm deactivation devices

A.(1) For the purposes of this Section, a theft alarm deactivation device is any device which is designated or intended to remove or deactivate any electronic or magnetic device which is placed on or attached to merchandise and which is intended to cause an alarm to be activated if the merchandise is moved from an authorized to an unauthorized area without either payment for

the merchandise having been made or permission having been obtained from the owner of the merchandise for the movement.

(2) As used in this Section, the meaning of "owner" shall include an agent or employee of the owner authorized by the owner.

B. Unlawful distribution of theft alarm deactivation devices in the sale, offer for sale, exchange, offer for exchange, donation, or offer for donation of any theft alarm deactivation device with the knowledge or intention that the device will be used to remove or deactivate any theft alarm device for the purpose of moving merchandise from an authorized area to an unauthorized area without either paying for the merchandise or obtaining the permission of the owner of the merchandise.

C. Unlawful possession of theft alarm deactivation devices is the possession of any theft alarm deactivation device with the knowledge or intention that the device will be used to remove or deactivate any theft alarm device for the purpose of moving merchandise from an authorized area to an unauthorized area without either paying for the merchandise or obtaining the permission of the owner of the merchandise.

D. Unlawful use of theft alarm deactivation devices is the use of any theft alarm deactivation device to remove or deactivate any theft alarm device for the purpose of moving merchandise from an authorized area to an unauthorized area without either paying for the merchandise or obtaining the permission of the owner of the merchandise.

PART VIII. OFFENSES AFFECTING THE PUBLIC MORALS

Section 14.82 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 sixty (60) days. The court may suspend imposition of the 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 14.83 Soliciting for prostitutes (Source: R.S. 14:83)

It shall be unlawful for any person to commit soliciting for prostitutes. Soliciting for prostitutes is the soliciting, inviting, inducing, directing, or transporting a person to any place

with the intention of promoting prostitution.

Section 14.83.1 Inciting prostitution (Source: R.S. 14:83.1)

It shall be unlawful for any person to commit inciting prostitution. Inciting prostitution is the aiding, abetting, or assisting in an enterprise for profit in which:

(1) Customers are charged a fee for services which include prostitution, regardless of what portion of the fee is actually for the prostitution services,

(2) When the person knows or when a reasonable person in such a position should know that such aiding, abetting, or assisting is for prostitution, and

(3) When the proceeds or profits are to be in any way divided by the prostitute and the person aiding, abetting, or assisting the prostitute.

Section 14.83.3 Prostitution by massage (Source: R.S. 14:83.3)

A. It shall be unlawful for any person to commit prostitution by massage. Prostitution by massage is the erotic stimulation of the genital organs of another by any masseur, masseuse, or any other person, whether resulting in orgasm or not, by instrumental manipulation, touching with the hands, or other bodily contact exclusive of sexual intercourse or unnatural carnal copulation, when done for money.

B.(1) "Masseur" means a male who practices massage or physiotherapy, or both.

(2) "Masseuse" means a female who practices massage or physiotherapy, or both.

Section 14.83.4 Massage; sexual conduct prohibited (Source: R.S. 14:83.4)

It shall be unlawful for any masseur, masseuse, or any other person, while in a massage parlor or any other enterprise used as a massage parlor, by stimulation in an erotic manner, to either:

(1) Expose, touch, caress, or fondle the genitals, anus, or pubic hairs of any person or the nipples of the female breast.

(2) To perform any acts of sadomasochistic abuse, flagellation, or torture in the context of sexual conduct.

Section 14.85 Letting premises for prostitution (Source: R.S. 14:85)

It shall be unlawful for any person to commit letting premises for prostitution. Letting premises for prostitution is the granting of the right of use or the leasing of any premises, knowing that they are to be used for the practice of prostitution, or allowing the continued use of the premises with such knowledge.

Section 14.86 Disorderly place, maintaining of prohibited (Source: R.S. 14:281)

A. No person shall maintain a place of public entertainment or a public resort or any place, room, or part of a building open to the public in such a manner as to disturb the public peace and quiet of the neighborhood, or in which sparsely-clad "go-go dancers" perform, or in

which patently offensive representations or descriptions of sexual acts are displayed or performed.

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. On a second conviction, the offender, in addition to the penalty provided for above, shall be subject to the revocation of the occupational license the offender holds for the establishment.
(Ordinance adopted 4/1/86)

Section 14.88 Telephone communications; improper language; harassment
(Source: R.S. 14:285)

A. It shall be unlawful to:

(1) Engage in or institute a telephone call, telephone conversation, or telephone conference, with another person, anonymously or otherwise, and therein use obscene, profane, vulgar, lewd, lascivious, or indecent language, or make any suggestion or proposal of an obscene nature or threaten any illegal or immoral act with the intent to coerce, intimidate, or harass another person.

(2) Make repeated telephone communications anonymously or otherwise in a manner reasonably expected to annoy, abuse, torment, harass, embarrass, or offend another, whether or not conversation ensues.

(3) Make a telephone call and intentionally fail to hang up or disengage the connection.

(4) Engage in a telephone call, conference, or recorded communication by using obscene language, when by making a graphic description of a sexual act, and the offender knows or reasonably should know that such obscene or graphic language is directed to, or will be heard by, a minor. Lack of knowledge of age shall not constitute a defense.

(5) Knowingly permit any telephone under his control to be used for any purpose prohibited by this Section.

B. Any offense committed by use of a telephone as set forth in this Section shall be deemed to have been committed at either the place where the telephone call or calls originated or at the place where the telephone call or calls were received.

Section 14.89 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 14.90 Gambling (Source: R.S. 14:90)

A. It shall be unlawful for any person to commit gambling. Gambling is the intentional conducting, or directly assisting in the conducting, as a business, of any game, contest, lottery, or contrivance whereby a person risks the loss of anything of value in order to realize a profit.

B. The conducting or assisting in the conducting of authorized lottery activities or operations in accordance with state law shall not be considered gambling for purposes of this Section.

Section 14.90.2 Gambling in public (Source: R.S. 14:90.2)

A. It shall be unlawful for any person to commit gambling in public. Gambling in public is the aiding or abetting or participation in any game, contest, lottery, or contrivance, in any location or place open to the view of the public or the people at large, such as streets, highways, vacant lots, neutral grounds, alleyway, sidewalk, park, beach, parking lot, or condemned structures whereby a person risks the loss of anything of value in order to realize a profit.

B. This Section shall not prohibit activities authorized by law or ordinance, nor shall it apply to bona fide fairs and festivals conducted for charitable purposes.

Section 14:90.3. Gambling by computer (Source: R.S. 14:90.3)

A. Gambling by computer is the intentional conducting, or directly assisting in the conducting as a business of any game, contest, lottery, or contrivance whereby a person risks the loss of anything of value in order to realize a profit when accessing the Internet, World Wide Web, or any part thereof by way of any computer, computer system, computer network, computer software, or any server in any manner other than authorized or permitted by law.

B. For purposes of this Section:

(1) "Client" means anyone using a computer to access a computer server.

(2) "Computer" includes an electronic, magnetic, optical, or other high-speed data processing device or system performing logical, arithmetic, and storage functions, and includes any property, data storage facility, or communications facility directly related to or operating in conjunction with such device or system. "Computer" shall not include an automated typewriter or typesetter, a machine designed solely for word processing, or a portable hand-held calculator, nor shall "computer" include any other device which might contain components similar to those in computers but in which the components have the sole function of controlling the device for the single purpose for which the device is intended.

(3) "Computer network" means a set of related, remotely connected devices and communication facilities including at least one computer system with capability to transmit data through communication facilities.

(4) "Computer services" means providing access to or service or data from a computer, a computer system, or a computer network.

(5) "Computer software" means a set of computer programs, procedures, and associated documentation concerned with operation of a computer system.

(6) "Computer system" means a set of functionally related, connected or unconnected, computer equipment, devices, or computer software.

(7) "Home Page" means the index or location for each computer site on the World Wide Web.

(8) "Internet" means the global information system that is logically linked together by a globally unique address space based on the Internet Protocol or its subsequent extensions, is able to support communications using the Transmission Control Protocol/Internet Protocol suite or its subsequent extensions, and other Internet Protocol compatible protocols, and provides, uses or makes accessible, either publicly or privately, high level services layered on the communications and related infrastructure described herein.

(9) "Server" means a computer that listens for and services a client.

(10) "World Wide Web" means a server providing connections to mega lists of information on the Internet; it is made up of millions of individual web sites linked together.

Section 14:90.4. Unlawful playing of video draw poker devices by persons under the age of twenty-one (Source: R.S. 14:90.4)

A. It is unlawful for any person under twenty-one (21) years of age to play video draw poker devices.

B. For purposes of this Section, "video draw poker device" means a device, as defined in R.S. 27:301(B)(15), placed in an establishment licensed for operation and regulated under the applicable provisions of Chapter 6 of Title 27 of the Louisiana Revised Statutes of 1950.

C. Whoever violates this Section shall be fined not more than one hundred (\$100) dollars for the first offense, two hundred fifty (\$250) dollars for the second offense, and five hundred (\$500) dollars for the third offense.

Section 14.91 Unlawful sales of weapons to minors (Source: R.S. 14:91)

A. Unlawful sales of weapons to minors is the selling or otherwise delivering for value any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of eighteen (18). Lack of knowledge of the minor's age shall not be a defense.

B. Whoever commits unlawful sales of weapons to minors shall be fined not more than three hundred (\$300) dollars, or imprisoned for not more than sixty (60) days, or both.

Section 14.91.1 Unlawful presence of a sexually violent predator (Source: R.S. 14:91.1)

A. Unlawful presence of a sexually violent predator is:

(1) The physical presence of a sexually violent predator on the school property of any public or private, elementary or secondary school, or in any motor vehicle or other means of conveyance owned, leased, or contracted by such school to transport students to or from school or a school-related activity when persons under the age of eighteen (18) years are present on the school property or in a school vehicle; or

(2) The physical residing of a sexually violent predator within one thousand (1,000') feet of any public or private elementary or secondary school.

B. It shall not be a violation of Paragraph (A)(1) of this Section if the offender has

permission to be present from the superintendent of the school board in the case of a public school or the principal or headmaster in the case of a private school.

C. If permission is granted to an offender to be present on public school property by the superintendent for that public school pursuant to Subsection B of this Section, then the superintendent shall notify the principal at least twenty-four (24) hours in advance of the visit by the offender. This notification shall include the nature of the visit and the date and time in which the sex offender will be present in the school. The offender shall notify the office of the principal upon arrival on the school property and upon departing from the school. If the offender is to be present in the vicinity of children, the offender shall remain under the direct supervision of a school official.

D. For purposes of this Section:

(1) "School property" means any property used for school purposes, including but not limited to school buildings, playgrounds, and parking lots.

Section 14:91.7 Unauthorized possession or consumption of alcoholic beverages on public school property (Source: R.S. 14:91.7)

A. No person shall intentionally possess or consume alcoholic beverages upon public school property unless authorized by the principal or person in charge of the public school property at the time.

B. For purposes of this Section:

(1) "School" means any public elementary or secondary school.

(2) "School property" means all property used for school purposes, including but not limited to school playgrounds, buildings, and parking lots.

C. Whoever violates this Section shall be fined not more than five hundred (\$500) dollars and imprisoned not less than fifteen (15) days nor more than sixty (60) days without benefit of suspension of sentence.

Section 14.91.11 Sale, exhibition or distribution of material harmful to minors (Source: R.S. 14:91.11)

A.(1) The unlawful sale, exhibition rental, leasing, or distribution of material harmful to minors is the intentional sale, allocation, distribution, advertisement, dissemination, exhibition, or display of material harmful to minors, 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 either:

(i) Ultimate sexual acts, normal or perverted, actual, simulated or animated, whether between human being, animals or an animal and a human being.

(ii) Masturbation, excretory functions, or exhibition, actual, simulated or animated, of the genitals, pubic hair, anus, vulva or female breast nipples.

(iii) Sadoomasochistic 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.

(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.

(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 14.91.12 Sale, distribution or making available to minors publications encouraging,

advocating, or facilitating the illegal use of controlled dangerous substances
(Source: R.S. 14:91.12)

A. It shall be unlawful for any person to sell, distribute, or make available to a person under eighteen (18) years of age any publication which has as its dominant theme articles or a substantial number of advertisements encouraging, advocating, or facilitating the illegal use of any substance classified as a controlled dangerous substance pursuant to state law.

B. No employee acting within the course and scope of his employment and who has not proprietary interest in the business shall be guilty of a violation of this Section unless he has actual knowledge of the contents of the publication.

Section 14.91.13 Illegal use of controlled dangerous substances in the presence of persons under seventeen (17) 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 14.91.21 Sale of poisonous reptiles to minor (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 14.92 Contributing to the delinquency of juveniles (Source: R.S. 14:92)

A. It shall be unlawful for any person to commit contributing to the delinquency of juveniles. Contributing to the delinquency of juveniles is the intentional enticing, aiding soliciting, or permitting, by anyone over the age of seventeen (17), of any child under the age of seventeen (17), and no exception shall be made for a child who may be emancipated by marriage or otherwise, to either:

(1) Beg, sing, sell any article or play any musical instrument in any public place for the purpose of receiving alms.

(2) Associate with any vicious or disreputable persons, or frequent places where the same may be found.

(3) Visit any place where beverages of either high or low alcoholic content are the principle commodity sold or given away.

(4) Visit any place where any gambling device is found, or where gambling habitually occurs.

(5) Habitually trespass where it is recognized he has no right to be.

(6) Use any vile, obscene or indecent language.

(7) Blank

(8) Absent himself or remain away, without authority of his parents or tutor, from his home or place of abode.

(9) Violate any state law or ordinance.

(10) Visit any place where sexually indecent and obscene material of any nature, is offered for sale, displayed or exhibited.

B. Lack of knowledge of the juvenile's age shall not be a defense.
(Ordinance adopted 9/27/67)

Section 14.93.1 Model glue; use of; unlawful sales to minors (Source: R.S. 14:93.1)

A. As used in this Section:

(1) "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: (a) toluol, (b) hexane, (c) trichlorethylene, (d) acetone, (e) toluene, (f) ethyl acetate, (g) methyl ethyl ketone, (h) trichlorochthane, (i) isopropanol, (j) methyl isobutyl ketone, (l) methyl cellosolve acetate, (m) cyclohexanone, or (n) any other solvent, material, substance, chemical or combination thereof having the property of releasing toxic vapors.

(2) "Abuse of toxic vapors" means to smell or inhale the fumes of any solvent, material, substance, chemical or combinations thereof having the property of releasing toxic vapors for the purpose of causing a condition of, or inducing a symptom included in Subsection B of this Section.

B. It shall be unlawful for any person to intentionally smell or inhale the fumes of any type of model glue or the fumes of toxic vapors for the purpose of causing a condition of, or inducing symptoms of, intoxication, elation, euphoria, dizziness, excitement, irrational behavior, exhilaration, paralysis, stupefaction or dulling of the senses or nervous system; or for the purpose of, in any manner, changing, distorting or disturbing the audio, visual or mental processes; provided, however, that this Section shall not apply to the inhalation of any anesthesia for medical or dental purposes.

C. It shall be unlawful for any person to sell any type of model glue to a minor for any reason whatsoever.

D. It shall be unlawful for any person to sell or otherwise transfer possession of any type of model glue to any minor for any purpose whatsoever, unless the minor receiving possession of the model glue is the child or ward of and under the lawful custody of the vendor, donor or transferor of the glue.

E. Whoever violates this Section shall be fined not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dollars or imprisoned for not more than sixty (60) days for each such offense or both.

Section 14.93.2 Tattooing and body piercing minors (Source: R.S. 14:93.2)

It is unlawful for any person to tattoo or body pierce any other person under the age of eighteen (18) without the consent of the parents of such person. Whoever violates this Section shall be fined not less than one hundred (\$100) dollars no more than five hundred (\$500) dollars

or be imprisoned for not less than thirty (30) days nor more than sixty (60) days, or both.

Section 14.93.2.1 Child desertion (Source: R.S. 14:93.2.1)

It shall be unlawful for any person to commit child desertion. Child desertion is the intentional or criminally negligent exposure of a child under the age of ten (10) years, by a person who has the care, custody, or control of the child, to a hazard or danger against which the child cannot reasonably be expected to protect himself, or the desertion or abandonment of such child, knowing or having reason to believe that the child could be exposed to such hazard or danger.

Section 14.93.10 Definitions (Source R.S. 14:93.10)

For purposes of Sections 14.93.11 through 11.93.13, the following definitions shall apply:

(1) "Purchase" means acquisition by the payment of money or other consideration. Purchase does not include such acquisition for medical purposes either when purchased as over the counter medication or when prescribed or administered by a licensed physician, pharmacist, dentist, nurse, hospital, or medical institution.

(2) "Public possession" means the possession of any alcoholic beverage for any reason, including consumption, on any street or highway or in any public place or any place open to the public, including a club which is de facto open to the public. "Public possession" does not include the following:

(a) The possession or consumption of any alcoholic beverage:

(i) For an established religious purpose.

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

(iii) For medical purposes when purchased as an over the counter medication, or when prescribed or administered by a licensed physician, pharmacist, dentist, nurse, hospital, or medical institution.

(iv) In private residences.

(b) The sale, handling, transport, or service in dispensing of any alcoholic beverage pursuant to lawful ownership of an establishment or to lawful employment of a person under twenty-one (21) years of age by a duly licensed manufacturer, wholesaler, or retailer of beverage alcohol.

(3) "Alcoholic beverage" means beer, distilled spirits, and wine containing one-half of one percent or more of alcohol by volume. Beer includes but is not limited to ale, lager, porter, stout, sake, and other similar fermented beverages brewed or produced from malt wholly or in part or from any substitute therefor. Distilled spirits include alcohol, ethanol, or spirits or wine in any form, including all dilutions and mixtures thereof from whatever process produced.

Section 14.93.11 Unlawful sales to persons under twenty-one (21) (Source (R.S. 14:93.11)

A. Unlawful sales to persons under twenty-one (21) is the selling or otherwise delivering for value of any alcoholic beverage to any person under twenty-one (21) years of age unless such

person is the lawful owner or lawful employee of an establishment to which the sale is being made and is accepting such delivery pursuant to such ownership or employment. Lack of knowledge of the person's age shall not be a defense.

B. Whoever violates this Section shall be fined not more than one hundred (\$100) dollars or imprisoned for not more than sixty (60) days, or both.
(Ordinance 11 adopted 12/6/60; Ordinance 20 adopted 1/16/62)

Section 14.93.12 Purchase and public possession of alcoholic beverages; exceptions; penalties
(Source R.S. 14:93.12)

A. It is unlawful for any person under twenty-one (21) years of age to purchase or have public possession of any alcoholic beverage.

B.(1) Whoever violates this Section shall be fined not more than one hundred (\$100) dollars or imprisoned for not more than sixty (60) days, or both.

(2) Any person apprehended while violating this Section shall be issued a citation by the apprehending law enforcement officer, which shall be paid in the same manner as provided for the offenders of local traffic violations.

Section 14.93.13 Unlawful purchase of alcoholic beverages by persons on behalf of persons under twenty-one (21) (Source R.S. 14:93.13)

A. It is unlawful for any person, other than a parent, spouse, or legal custodian as specified in Section 14.93.10(2)(a)(ii), to purchase on behalf of a person under twenty-one (21) years of age any alcoholic beverage.

B. Whoever violates this Section shall be fined not more than five hundred (\$500) dollars or imprisoned for not more than thirty (30) days, or both.

PART IX. OFFENSES AFFECTING THE PUBLIC GENERALLY

Section 14.95.1 Discharging firearm (Source: R.S. 32:292)

A. It shall be unlawful for any person to shoot or discharge any shotgun, rifle, pistol, or firearm of any kind within the town limits.

B. This prohibition shall not apply to a police officer in the exercise of his official duties or a person who has been authorized by the mayor in unusual circumstances or particular occasions to discharge a firearm or weapon.

C. Nothing in this Section shall be construed or interpreted so as to prohibit :

(1) The use of a firearm in the protection of life and property.

(2) The shooting or discharging of the type of gun commonly known as an air rifle or BB gun.

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

Section 14.95.2 Air guns

The use, firing, shooting, or explosion of any "air gun", "air rifle", or "blow gun" within the town is hereby declared to be a nuisance. It shall be unlawful for any person to use, fire, shoot, or explode any "air gun", "air rifle", or "blow gun" within the town. (Ordinance adopted 2/5/85)

Section 14.95.3 Misrepresentation of age to obtain alcoholic beverages or gain entry to licensed premises prohibited (Source: R.S. 14:333)

A. It is unlawful for any person under the age of twenty-one (21) years to present or offer to any person having a license or permit to sell alcoholic beverages, under state law and town ordinance, or to his agent or employee any written, printed, or photostatic evidence of age and identity which is false, fraudulent, or not actually his own for the purpose of obtaining or purchasing alcoholic beverages or attempting to enter the licensed premises.

B. Whoever violates this Section shall be fined of not more than two hundred (\$200) dollars, ordered to an appropriate amount of community service not to exceed thirty (30) hours, or both.

Section 14.95.4 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 14.95.5 Possession of firearm or dangerous weapon on premises of alcoholic beverage outlet (Source: R.S. 14:95.5)

A. It shall be unlawful for any person intentionally possess a firearm or other dangerous weapon 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 14:95.6. Firearm-free zone; offenses regarding signs (Source: R.S. 14:95.6)

A. It is unlawful for any person to cover, remove, deface, alter, or destroy any sign or other marking identifying a firearm-free zone. A "firearm-free zone" is an area inclusive of any school campus and within one thousand (1,000') feet of any such school campus, and within a school bus.

B. For purposes of this Section:

(1) "School" means any public or private elementary, secondary, high school, or vocational-technical school, college, or university.

(2) "School campus" means all facilities and property within the boundary of the school property.

(3) "School bus" means any motor bus being used to transport children to and from school or in connection with school activities.

Section 14.95.7 Possession of or dealing in firearms with obliterated number or mark
(Source R.S. 14:95.7)

A. No person shall intentionally receive, possess, carry, conceal, buy, sell, or transport any firearm from which the serial number or mark of identification has been obliterated.

B. This Section shall not apply to any firearm which is 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.

Section 14.96 Obstructing public drain

A. It shall be unlawful for any person, firm, association, or corporation to willfully obstruct any waters, drains, gutters, 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 town of such obstruction shall constitute prima facie evidence of willful intent to obstruct the public drain.

C. Each day of violation shall constitute a separate offense.
(Ordinance adopted 5 adopted 1/5/60)

Section 14.97 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 14.99 Reckless operation of a vehicle (Source: R.S. 14:99)

A. Reckless operation of vehicle is the operation of any motor vehicle, aircraft, vessel, or other means of conveyance in a criminally negligent or reckless manner.

B. Whoever commits the offense of reckless operation of a vehicle shall be fined not more than two hundred (\$200) dollars, or imprisoned for not more than sixty (60) days, or both.

Section 14.100 Hit and run driving (Source: R.S. 14:100)

A. It shall be unlawful for any person to commit hit and run driving. Hit and run driving is the intentional failure of the driver of a vehicle involved in or causing any accident where none of the following conditions are met:

(a) Death or serious bodily injury is a direct result of the accident.

(b) The driver knew or must have known that the vehicle he was operating was involved in an accident or that his operation of the vehicle was the direct cause of an accident.

(c) The driver had been previously convicted of any of the following:

(i) A violation of R.S. 14:98, or a law or an ordinance of any state or political subdivision prohibiting operation of any vehicle or means of transportation or conveyance while intoxicated, impaired, or while under the influence of alcohol, drugs, or any controlled dangerous substance on two or more occasions within ten (10) years of this offense.

(ii) A violation of R.S. 14:32.1-vehicular homicide.

(iii) A violation of R.S. 14:39.1-vehicular negligent injuring.

(iv) A violation of R.S. 14:39.2-first degree vehicular negligent injuring.

B. For the purpose of this Section:

(1) "To give his identity" means that the driver of any vehicle involved in any accident shall give his name, address, and the license number of his vehicle, or shall report the accident to the police.

(2) "Serious bodily injury" means bodily injury which involves unconsciousness, extreme physical pain, or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.

(3) "Vehicle" includes a watercraft.

(4) "Accident" means an incident or event resulting in damage to property or injury to person.
(Ordinance adopted 9/27/67)

Section 14.100.1 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.
(Ordinance adopted 9/27/67)

Section 14.101 Desecration of graves (Source: R.S. 14:101)

It shall be unlawful for any person to commit desecration of graves. Desecration of graves is either 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.

(2) Intentional or criminally negligent damaging in any manner, of any grave, tomb, or mausoleum erected for the dead.

Section 14.102 Cruelty to animals; definitions (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 14.102.1 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:

- (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.
- (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.
- (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.
- (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 14.102.4 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 14.103 Disturbing the peace (Source: R.S. 14:103)

A. Disturbing the peace is the doing of any of the following in such manner as would foreseeably disturb or alarm the public:

- (1) Engaging in a fistic encounter.
- (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.
- (3) Appearing in an intoxicated condition.
- (4) Engaging in any act in a violent and tumultuous manner by any three or more persons.
- (5) Holding of an unlawful assembly.
- (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. (Ordinance 7 adopted 1/5/60; Ordinance 8 adopted 1/5/60; Ordinance 32 adopted 9/27/67)

Section 14.103.1 Emanation of excessive sound or noise; exceptions; penalties
(Source: R.S. 14:103.1)

A. No person shall operate or permit the operation of any sound amplification system which emanates unreasonably loud or excessive sound or noise which is likely to cause inconvenience or annoyance to persons of ordinary sensibilities, when both the following exist:

- (1) The sound amplification system is located in or on any motor vehicle on a public street, highway, or public parks.
- (2) The sound or noise emanating from the sound amplification system is audible at a distance of greater than twenty-five (25) feet which exceeds eighty-five (85) decibels.

B. This Section do not apply to the use of a horn, alarm, or other warning device which has as its purpose the signaling of unsafe or dangerous situations or to summon the assistance of law enforcement when used for such purpose, or when used in conjunction with a permitted event.

C. Whoever violates a provision of this Section shall be fined one hundred (\$100) dollars for a first offense, and not less than two hundred (\$200) dollars nor more than five hundred (\$500) dollars for second and subsequent offenses.

Section 14.104 Keeping a disorderly place (Source: R.S. 14:104)

It shall be unlawful for any person to commit keeping a disorderly place. Keeping a disorderly place is the intentional maintaining of a place to be used habitually for any illegal purpose.

Section 14.105 Letting a disorderly place (Source: R.S. 14:105)

It shall be unlawful for any person to commit letting a disorderly place. Letting a disorderly place is the granting of the right to use any premises knowing that they are to be used as a disorderly place, or allowing the continued use of the premises with such knowledge.

Section 14.107 Vagrancy (Source: R.S. 14:107)

The following persons shall be guilty of vagrancy:

- (1) Persons who live in houses of ill fame or who habitually associate with prostitutes.
- (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.
- (3) Habitual gamblers or persons who for the most part maintain themselves by gambling.
- (4) Able-bodied persons without lawful means of support who do not seek employment and take employment when it is available to them.
- (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.
- (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.

Section 14.108 Resisting an officer (Source: R.S. 14:108)

A. It shall be unlawful for any person to commit resisting an officer. Resisting an officer is the intentional interference with, opposition or resistance to, or obstruction of an individual acting in his official capacity and authorized by law or ordinance to make a lawful arrest 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:

- (a) Flight by one sought to be arrested before the arresting officer can restrain him and after notice is given that he is under arrest.
- (b) Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he is incarcerated in jail.
- (c) Refusal by the arrested party to give his name and make his identity known to the arresting officer or providing false information regarding the identity of the arrested party to the arresting officer.

(d) Congregation with others on a public street and refusal to move on when ordered by the officer.

(2) The word "officer" as used herein shall include town police officers, deputy sheriffs, probation and parole officers, state police officers, and wildlife enforcement agents.

Section 14.108.1 Flight from an officer (Source: R.S. 14:108.1)

A. No driver of a motor vehicle shall intentionally refuse to bring a vehicle to a stop knowing that he has been given a visual and audible signal to stop by a police officer when the officer has reasonable grounds to believe that the driver has committed an offense. The signal shall be given by an emergency light and a siren on a vehicle marked as a police vehicle.

B. Whoever commits flight from an officer shall be fined not less than one hundred fifty (\$150) dollars, nor more than five hundred (\$500) dollars, or imprisoned for not more than sixty (60) days, or both.

Section 14.109 Abandoning or discarding ice boxes or other air tight containers
(Source: R.S. 14:324)

It shall be unlawful for any person, firm, or corporation to leave outside of any building or dwelling in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator, or any other container of any kind which has an airtight door or doors, or which may not be released for opening from the inside of said icebox, refrigerator, or container. It shall further be unlawful for any person, firm, or corporation, to leave outside of any building or dwelling in a place accessible to children any abandoned, unattended or discarded icebox, refrigerator, or any other container of any kind which is airtight and has a snap lock or other device thereon without first removing said snap lock or locks, or door or doors, from said icebox, refrigerators, or containers.

Section 14.110 Parades, festivals, public demonstrations, and other special events

A. It shall be unlawful to promote, organize or hold, or to assist in organizing or holding, or take part or participate in any parade, festival, procession, public demonstration, or other special event in the street or other public ways of the town unless a permit therefore has been secured from the council.

B. To secure such a permit, written application shall be made to the council setting forth the hour and date, the probable number of persons, vehicles, and animals which will be engaged in such parade, festival, or other special event, the purpose for which it is to be held or had, and the streets or other public ways over, along or in which it is desired to have or hold such parade, festival, or other special event. The council shall grant a written permit for such parade, festival, or other special event, prescribing the streets or other public ways which may be used therefor, unless in its judgment the public welfare, peace, safety, health, decency, good order, morals or convenience require that it be refused. It shall be unlawful to use for such purposes, at the hour and on the date required any streets or public ways other than those set out in the permit.

C. This section shall not apply to funeral processions.

D. It shall be unlawful for any person to throw or spray any object or substance at or to any participant, vehicle or animal in a parade or marching club during the parade. Such objects shall include but not limited to silly string, cracker balls, cans, bottles, firecrackers or any

explosive devise.

E. It shall be unlawful to sell by vendor or individual any items that can be sprayed or cause harm to any participant, vehicle or animal. Such items include but not be limited to silly string, cracker balls, cans, bottles, firecrackers or any explosive device, or toy guns, pistols or rifles.

F. Any organization, individual, or vendor that violates any of the provisions of this article shall have its permit or license revoked and may be subject to a fine not exceeding five-hundred dollars (\$500) or imprisonment for a period not to exceed sixty (60) days or both. (Ordinance 34 adopted 9/27/67; Ordinance 2007-169 adopted March 12, 2007; Ordinance 2015-224 adopted 7/13/15)

Section 14.112 False personation (Source: R.S. 14:112)

A. False personation is the performance of any of the following acts with the intent to injure or defraud, or to obtain or secure any special privilege or advantage:

(1) Impersonating any public officer, or private individual having special authority by law to perform an act affecting the rights or interests of another, or the assuming, without authority, of any uniform or badge by which such officer or person is lawfully distinguished.

(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 14.112.1 Interference with medical treatment (Source: R.S. 14:332)

A. Interference with medical treatment is the intentional and willful interference with a physician, physician's trained assistant, nurse, nurse's aide, paramedic, emergency medical technician, or other medical or hospital personnel in the performance of their duties relating to the care and treatment of patients in any hospital, clinic or other medical facility, or at the scene of a medical emergency.

B. Whoever violates this Section shall be fined not less than one hundred (\$100) dollars or more than two hundred and fifty (\$250) dollars upon conviction of a first offense, and not less than two hundred fifty (\$250) dollars or more than five hundred (\$500) dollars or ten (10) days in jail, or both, upon conviction of any subsequent offense.

Section 14.112.2 Gunshot wounds; mandatory reporting (Source: R.S. 14:403.5)

A. In every case of a gunshot wound or injury presented for treatment to a medical professional, practitioner, or associated personnel, that professional, practitioner, or associated personnel shall make an oral notification to the chief of police immediately after complying with all applicable state and federal laws, rules, and regulations related to the treatment of emergencies and before the wounded person is released. A written notation of this action shall be made on the emergency record.

B. Any person who fails to file a report, or who knowingly files a false report, under this Section shall be fined not more than five hundred dollars or imprisoned for not more than sixty days, or both.

C. This Section shall not apply to any wounds or injuries received from the firing of an air gun.

PART X. OFFENSES AFFECTING ORGANIZED GOVERNMENT

Section 14:115. Wrongful use of public property (Source: R.S. 14:329.4 et seq.)

A. The wrongful use of public property shall be unlawful. Wrongful use of public property shall include the following:

(1) The intentional entering of or onto any public property without the permission of the lawful custodian thereof, or his designated representative, at any time when the public property is not open to the public and the remaining in or occupying of any public property after having been requested to leave by the lawful custodian thereof, or his designated representative, or any law enforcement or peace officer.

(2) The depriving of the general public of the intended use of public property without a permit.

(3) No serious bodily injury or death or property damage in excess of five thousand dollars results therefrom.

B. The lawful custodian, or his designated representative, may issue a permit if he determines that the use or occupation of the public property will not reasonably interfere with the intended or customary use of the public property by the general public and that the intended use will not destroy or damage the public property. The permit to occupy or use the public property may be obtained upon written application therefor. The application shall (1) describe the public property sought to be occupied or used, and (2) state the period of time during which the public property will be occupied or used.

C. As used in this section, "public property" means any public land, building, facility, structure, or enclosure used for a public purpose or as a place of public gathering, owned and/or under the control of the 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 14.116 Flag desecration (Source: R.S. 14:116)

A. Flag desecration is the act of any person who shall intentionally, in any manner, for exhibition or display either:

(1) Place or cause to be placed any word, mark, design or advertisement of any nature upon any flag.

(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.

(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.

(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 14.117 Flag desecration; exceptions (Source: R.S. 14:117)

The flag desecration Section shall not apply to any act permitted by federal or state law, or other ordinance, or by the United States army and navy regulations; nor shall it apply to the depicting of a flag upon any document, stationery, ornament, picture, or jewelry, with no design or word thereon and disconnected with any advertisement.

Section 14.117.1 Paramilitary organizations; prohibitions (Source: R.S. 14:117.1)

A. It shall be unlawful for any paramilitary organization, or any member thereof, to train.

B.(1) "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 14.122.2 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 14.124 False testimony

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

Section 14.125 False swearing (Source: R.S. 14:125)

It shall be unlawful for any person to commit false swearing. False swearing is the intentional making of a written or oral statement, known to be false, under sanction of an oath or an equivalent affirmation, where such oath or affirmation is required by law or ordinance. However, this Section shall not apply where such false statement is made in, or for use in, a judicial proceeding or any proceeding before a board or official, wherein such board or official is authorized to take testimony.

Section 14.126 Inconsistent statements; false swearing (Source: R.S. 14:126)

It shall constitute false swearing whenever any person, having made a statement under sanction of an oath, or an equivalent affirmation, required by law or ordinance, shall thereafter swear or affirm in a manner materially contradictory of or inconsistent with his former sworn or affirmed statement. It shall not be necessary for the prosecution, in such case, to show which of the contradictory or inconsistent statements was false; but it shall be an affirmative defense that at the time he made them, the accused honestly believed both statements to be true.

Section 14.127 Limitation of defenses (Source: R.S. 14:127)

It is no defense to a prosecution for false swearing that either:

(1) The oath, or affirmation, was administered or taken in an irregular manner.

(2) The accused was not competent to give the testimony, deposition, affidavit or certificate of which falsehood is alleged.

(3) The accused did not know the materiality of the false statement made by him, or that it did not in fact affect the proceeding in or for which it was made.

Section 14.128 Completion of affidavit (Source: R.S. 14:128)

The making of a deposition, affidavit, or certificate is deemed to be complete, within 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 14.133.1 Obstruction of court orders (Source: R.S. 14:133.1)

It shall be unlawful for any person by threats or force, or to 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 14.133.2 Misrepresentation during booking (Source: R.S. 14:133.2)

A. Misrepresentation during booking is the misrepresentation of, or refusal by a person being booked to provide his name, age, sex, residence, or social security number to any law enforcement officer or official who is booking him pursuant to a lawful arrest, or the refusal of such person to submit to fingerprinting or photographing.

B. Whoever commits misrepresentation during booking shall be imprisoned for not more than sixty (60) days, provided that any such sentence shall be made to run concurrently with any other sentence.

Section 14.133.4 Misrepresentation during issuance of a summons (Source: R.S. 14:133.4)

Misrepresentation during issuance of a summons is the giving of false information to any law enforcement officer preparing such document, by a person being issued a summons and is unlawful.

Section 14.134 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 therefor.

(2) Contumacious failure to comply with a subpoena or summons to appear in court, proof of service of which appears of record.

(3) Refusal to take the oath or affirmation as a witness, or refusal of a witness to answer a nonincriminating question when ordered to do so by the court.

(4) Contumacious, insolent, or disorderly behavior toward the judge or an attorney or other officer of the court, tending to interrupt or interfere with the business of the court or to impair its dignity or respect for its authority.

(5) Breach of the peace, boisterous conduct, or violent disturbance tending to interrupt or interfere with the business of the court or to impair its dignity or respect for its authority.

(6) Use of insulting, abusive, or discourteous language by an attorney or other person in open court, or in a document filed with the court in irrelevant criticism of another attorney or of a judge or officer of the court.

(7) Violation of a rule of the court adopted to maintain order and decorum in the court room.

C. A person who has committed a direct contempt of court may be found guilty and punished therefor by the court without any trial, after affording him an opportunity to be heard orally by way of defense or mitigation. The court shall render an order reciting the facts constituting the contempt, adjudging the person guilty thereof, and specifying the punishment imposed.

D. A constructive contempt of court is any contempt other than a direct one. A constructive contempt includes, but is not limited to any of the following acts:

(1) Willful neglect or violation of duty by the clerk, marshal, or other person elected, appointed, or employed to assist the court in the administration of justice.

(2) Willful disobedience of any lawful judgment, order, mandate, writ, or process of court.

(3) Removal or attempted removal of any person or of property in the custody of an officer acting under the authority of a judgment, order, mandate, writ, or process of the court.

(4) Unlawful detention of a witness, the defendant or his attorney, or the prosecutor, while going to, remaining at, or returning from the court.

(5) Assuming to act as an attorney or other officer of the court, without lawful authority.

E.(1) When a person is charged with committing a constructive contempt, he shall be tried by the judge on a rule to show cause alleging the facts constituting the contempt. The rule may be issued by the court on its own motion, or on motion of the prosecutor.

(2) A certified copy of the motion and of the rule shall be served on the person charged, in the manner of a subpoena, not less than forty-eight (48) hours prior to the time assigned for trial of the rule.

(3) If the person charged with contempt is found guilty, the court shall render an order reciting the facts constituting the contempt, adjudging the person charged with the contempt guilty thereof, and specifying the punishment imposed.

F. Penalties for contempt.

(1) A person adjudged guilty of contempt of court shall be subject to a fine or not more than five hundred (\$500) dollars, or by imprisonment for not more than sixty (60) days, or both.

(2) When an attorney is adjudged guilty of a direct contempt of court, the punishment shall be limited to a fine of not more than one hundred (\$100) dollars, or imprisonment for not more than twenty-four (24) hours, or both; and, for any subsequent direct contempt of the same court by the same offender, a fine of not more than two hundred (\$200) dollars, or imprisonment for not more than ten (10) days, or both.

(3) When a contempt of court consists of the omission to perform an act which is yet in the power of the person charged with contempt to perform, he may be imprisoned until he performs it, and in such a case this shall be specified in the court's order.
(Ordinance 9 adopted 1/5/60)

PART XI. SEX OFFENDER REGISTRATION AND RESTRICTIONS

Section 14.140 Registration of sex offenders and child predators

A. All persons defined in Louisiana Revised Statute 15:542 shall be required to register and provide notification as a sex offender or child predator in accordance with the provisions of this Chapter.

B. All persons defined in Subsection A of this Section, who reside, work, or attend school within the boundaries of the Town of Livonia, shall, within three (3) business days of establishing residence in the Town of Livonia, or if a current resident, within three (3) business days after conviction or adjudication, within three (3) business days after release from confinement, or within three (3) days after the effective date of this Part, whichever is sooner, register in person with the Livonia Police Department, and shall provide all of the information required under the provisions of La. R.S. 15:542 (C), and shall also include a statement that adequately explains the factual basis of the crime.

C. Knowingly providing false information to the Livonia Police Department shall constitute a failure to register pursuant to Section 14.142 of this Code of Ordinances.

D. The offender shall pay to the Town of Livonia, through the Livonia Police Department, an initial registration fee of two hundred fifty dollars (\$250.00), which is inclusive

of the state mandated fee of sixty dollars (\$60.00), to defray the costs of maintaining the record of the offender. The offender shall pay a renewal fee of one hundred twenty-five dollars (\$125.00) on each anniversary thereafter. Failure by the offender to pay the fee within thirty (30) days of initial registration, or renewals thereof, shall constitute a failure to register and subject the offender to the provisions of Section 14.142 of this Code of Ordinances. The offender shall not be prevented from registering in accordance with this Chapter for failure to pay the annual registration fee.
(Ordinance 2011-201 adopted August 8, 2011, effective and enforceable one hundred eighty (180) days after the date of execution by the mayor (August 9, 2011))

Section 14.141 Notification

Any person residing in the Town of Livonia who is required to provide sex offender and/or child predator notification under the provisions of La. R.S. 15:542.1, shall, in addition to the requirements set forth therein, provide such notice to the Livonia Police Department and shall include in said notice, which must be published in the official newspaper of the municipality, a statement that adequately explains the factual basis of the crime, the age and sex of the victim, the number of prior convictions for sex offenses, and the number of years served for the current conviction.
(Ordinance 2011-201 adopted August 8, 2011, effective and enforceable one hundred eighty (180) days after the date of execution by the mayor (August 9, 2011))

Section 14.142 Failure to register

A. A person who fails to register, periodically renew and update registration, provide proof of residence or notification of change of address or other registration information, or provide community notification as required by the provisions of this Chapter, and a person who knowingly provides false information to a law enforcement agency as provided herein this Chapter, upon a first violation, be subject to a civil penalty of not more than five hundred dollars (\$500.00), and upon subsequent violations, the offender shall be subject to a civil penalty not to exceed one thousand dollars (\$1,000.00).

B. An offender who registers, but fails to pay the annual registration fee, or renewals thereof, in accordance with the provisions of this Chapter shall be subject to a civil penalty of two hundred dollars (\$200.00) in addition to the registration fees owed.
(Ordinance 2011-201 adopted August 8, 2011, effective and enforceable one hundred eighty (180) days after the date of execution by the mayor (August 9, 2011))

Section 14.143 Duration of registration and notification period

Any person required to register and provide notification pursuant to the provisions of this Chapter shall comply with such requirements for the time periods set forth in La. R.S. 15:544.
(Ordinance 2011-201 adopted August 8, 2011, effective and enforceable one hundred eighty (180) days after the date of execution by the mayor (August 9, 2011))

Section 14.144 Prohibitions for convicted sex offenders

A. All persons required to register under the provisions of this Chapter, where the victim was a minor child, shall be prohibited from:

(1) Going in, on or within one thousand two hundred feet (1,200') of the school property of any public or private elementary or secondary school, designated school bus stop, or the

physical presence in any motor vehicle or other means of conveyance owned, leased, or contracted by such school to transport students to or from school or a school related activity when persons under the age of eighteen (18) years are present on the school property or in a school vehicle.

(2) Going in, on, or within one thousand two hundred feet (1,200') of a day care center, group home, residential home, or child care facility, a family child day care home, playground, public or private youth center, public swimming pool, or free-standing video arcade facility, as defined herein, or as otherwise defined in applicable state law.

(3) Physically residing within one thousand two hundred feet (1,200') of any public or private elementary or secondary school, day care center, group home, residential home, or child care facility, a family child day care home, playground, public or private youth center, public swimming pool, or free standing video arcade facility, as defined herein, or as otherwise defined in applicable state law.

(4) Communicating, either in written or oral form, with the victim or a family member of the victim, unless the victim consents to such communication in writing.

B. For purposes of this Section, the following definitions shall apply:

(1) "Child" means a person who has not reached the age of eighteen (18) years. The words "child" and children are used interchangeably in this Section.

(2) "Day care center" means any place or facility operated by any institution, society, agency, corporation, person or persons, or any other group for the purpose of providing care, supervision, and guidance of seven or more children, not including those related to the caregiver, unaccompanied by parent or guardian, on a regular basis for at least twelve and one-half (12 1/2) hours in a continuous seven-day week. A day care center that remains open for more than twelve and one-half (12 1/2) hours in a continuous seven-day week, and in which no individual child remains for more than twenty-four hours in one continuous stay shall be known as a full-time day care center.

(3) "Family child day care home" means any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision, and/or guidance of seven (7) but not more than twelve (12) children.

(4) "Group day care home" means any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purposes of providing care, supervision, and/or guidance of seven (7) but not more than twelve (12) children.

(5) "Group home" means any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group which receives therein at least seven (7) but not more than fifteen (15) children who are not related to the operator and whose parents or guardians are not residents of the same facility for supervision, care, lodging, and maintenance, with or without transfer of custody.

(5) "Residential home" means any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group to provide full-time care for more than fifteen (15) children who are not related to the operators and whose parents or guardians are not residents of the same facility, with or without transfer of custody. A residential

home as defined in this subsection includes facilities known as children's homes, halfway houses, residential treatment centers, training schools, and facilities for the mentally retarded, emotionally disturbed, socially maladjusted, or otherwise mentally or physically handicapped.

C. The restrictions and prohibitions set forth in this subsection shall not be applicable when said restrictions and/or prohibitions are waived or excepted under the provisions of La. R.S. 15:538.

D. Any person who violates this Subsection shall be guilty of a misdemeanor and subject to penalties of Section 14.6 of this Code of Ordinances.
(Ordinance 2011-201 adopted August 8, 2011, effective and enforceable one hundred eighty (180) days after the date of execution by the mayor (August 9, 2011))