

## CHAPTER 22

### STREETS AND SIDEWALKS

#### Article A. Curfew for Certain Minors

Section 22.1 Definitions

Section 22.2 Offenses

Section 22.3 Defenses

Section 22.4 Enforcement

Section 22.5 Penalties

#### Article B. Underground Utilities

Section 22.11 Exclusion from laws regarding underground utilities

#### Article A. Curfew for Certain Minors

##### Section 22.1 Definitions

(1) "Curfew hours" means both:

(a) 10:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day.

(b) 12:01 a.m. until 6:00 a.m., on any Friday or Saturday.

(2) "Emergency" means an unforeseen combination of circumstances, or the resulting state that call for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury, or loss of life.

(3) "Establishment" means any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement, or entertainment.

(4) "Guardian" means either:

(a) A person who, under court order, is the guardian of the person of a minor.

(b) A public or private agency with whom a minor has been placed by a court.

(5) "Minor" means any person under seventeen (17) years of age.

(6) "Operator" means any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association, or partnership, and the officers of a corporation.

(7) "Parent" means a person who is either:

(a) A natural parent, adoptive parent, or step-parent of another person

(b) At least eighteen (18) years of age, and authorized by a parent, or guardian to have the care and custody of a minor.

(8) "Public place" means any place to which the public, or a substantial group of the public has access and includes, but is not limited to, streets, highways, sidewalks, parking lots, parks, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(9) "Remain" means to either:

(a) Linger or stay.

(b) Fail to leave premises when requested to do so by a police officer, or the owner, operator, or other person in control of the premises.

(10) "Serious bodily injury" means bodily that creates substantial risk of death, or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.  
(Ordinance 85 adopted 6/14/94)

## Section 22.2 Offenses

A. A minor commits an offense if he remains in any public place, or on the premises of any establishment within the town during curfew hours.

B. A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place, or on the premises of any establishment within the town during curfew hours.

C. The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.  
(Ordinance 85 adopted 6/14/94)

## Section 22.3 Defenses

A. It is a defense to prosecution under Section 22.2 that the minor was either:

(1) Accompanied by a minor's parent, or guardian.

(2) On an errand at the direction of a minor parent or guardian, without any detour or stop.

(3) In a motor vehicle involved in interstate travel.

(4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop.

(5) Involved in any emergency.

(6) On the sidewalk abutting the minor's residence, or abutting the residence of a next door neighbor if the neighbor did not complain to the police department about the minor's presence.

(7) Attending an official school, religious, or other recreational activity supervised by adults, and sponsored by the town, a civic organization, or another similar entity that takes responsibility for the minor or going to, or returning home from, without any detour or stop, an official school, religious, or other recreational activity supervised by adults, and sponsored by the town, a civic organization, or another similar entity that takes responsibility for the minor.

(8) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly.

(9) Married or had been married, or had disabilities of minority removed in accordance with the law.

B. It is a defense to prosecution under Section 22.2 (C) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours, and refused to leave.  
(Ordinance 85 adopted 6/14/94)

#### Section 22.4 Enforcement

Before taking any enforcement action under this Article, a police officer shall ask the apparent offender's age, and reason for being in the public place. The officer shall not issue a citation, or make an arrest under this Article unless the officer reasonably believes that an offense has occurred and that based on any response, and other circumstance, no defense in Section 22.3 is present.

(Ordinance 85 adopted 6/14/94)

#### Section 22.5 Penalties

A person who violates a provision of this Article is guilty of a separate offense for each day, or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction is committed, continued, or permitted. Each offense, upon conviction,

is punishable by a fine not to exceed five hundred (\$500) dollars, or a term of imprisonment not to exceed thirty (30) days, or both.  
(Ordinance 85 adopted 6/14/94)

## Article B. Underground Utilities

### Section 22.11 Exclusion from laws regarding underground utilities

In accordance with the provisions of R.S. 40:1749.19, the mayor and council hereby declares that the town does not desire to be included in R.S. 40:1749.14 (Regional notification center) or under the provisions of the "Louisiana Underground Utilities and Facilities Damage Prevention Law," R.S. 40:1749.11 through 1749.22, as enacted by Act 923 of 1988.  
(Ordinance 70 adopted 11/7/89)