



COMMITTEE MEETING

June 15, 2021 at 5:15 PM

Council Meeting Room, 101 North State Street,
Abbeville, Louisiana 70510

AGENDA

NOTICE POSTED: June 14, 2021 at 4:00 P.M.

To allow a public comment period on any agenda item prior to action.

Ordinance Committee - Chaired by Councilwoman Terry Broussard.

1. To discuss possible amendments to the code of ordinances to address unruly behavior on public property including but not limited to Section 10-67 - Penalties, pertaining to Special Event permitting.

In accordance with the Americans with Disabilities Act,
if you need special assistance, please contact
Mayor Mark Piazza's office at 337-893-8550,
describing the assistance that is necessary.

Sec. 10-67 - Penalties

- a. Any person who sponsors, organizes, or hosts an event without complying with the provisions of the Special Event permitting process shall be subject to criminal prosecution, and if found guilty shall be fined not less than \$250.00 nor more than \$500.00, and/or incarcerated for not more than 60 days, or both, for a first offense; shall be fined not less than \$500.00 nor more than \$750.00 and/or incarcerated for not more than 60 days, or both, for a second offense; shall be fined not less than \$500.00 nor more than \$1,000.00 and/or incarcerated for not more than 60 days, or both for each subsequent offense.
- b. For the purposes of the provisions relative to permitting a special event, any act taken by a person which facilitates a non-permitted event or encourages other persons to attend the non-permitted event shall be deemed to be a sponsor, organizer, or host of the event.

Sec. 13-16. - Noise.

- (a) *Prohibited.* It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the corporate limits.
- (b) *Nonexclusive enumeration.* The following acts, among others, are declared to be in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:
- (1) *Horns; signal devices.* The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle while not in motion, except as a danger signal, if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; or the creation by means of any such signal device of any noise for any unreasonable period of time;
 - (2) *Radio; phonograph; musical instrument.* The playing of any radio, phonograph or musical instrument in such a manner or with such volume, particularly between the hours of 11:00 p.m. and 7:00 a.m., as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital or in any dwelling hotel or other type of residence, or of any persons in the vicinity;
 - (3) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any hospital, dwelling, hotel or other type of residence, or of any persons in the vicinity;
 - (4) *Animals, birds, etc.* The keeping of any animal, bird or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity;
 - (5) *Defect in vehicle or load.* The use of any automobile, motorcycle, streetcar or vehicle so out of repair or loaded in such a manner as to create loud and unnecessary grating, grinding, rattling or other noise;
 - (6) *Steam whistles.* The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon the request of proper authorities;
 - (7) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
 - (8) *Construction and repairing of buildings.* The erection (including excavating), demolition, alteration or repair of any building in any residential district or section, the excavation of streets or highways in any residential district or section other than between the hours of 7:00 a.m. and 6:00 p.m. on Monday through Friday, except in case of urgent necessity, in the interest of public health and safety, and then only with a permit from the mayor, which

permit may be granted for a period not to exceed thirty (30) days while the emergency continues. If the mayor should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 6:00 p.m. and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest he may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work;

- (9) *Schools; courts; churches; hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same is in use or adjacent to any hospital, which unreasonably interferes with the working of such institution or which disturbs or unduly annoys patients in a hospital;
 - (10) *Loading; unloading.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers;
 - (11) *Drums; loudspeakers generally.* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention, by creation of a noise, to any performance, show, sale or display of merchandise;
 - (12) *Loudspeakers on trucks.* The use of mechanical loud speakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purpose without a permit from the city council;
 - (13) *Loudspeakers for advertising.* The use or operation or the causing to be used or operated, in front of or outside of any building, place or premises, or through any window, doorway or opening of such building abutting upon the public street, or upon any public street any device or apparatus for tapping windows, or for amplifying sound from any radio or phonograph, or any sound-reproducing device; or
 - (14) *Hawkers; peddlers; vendors.* The shouting or crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- (c) *Exceptions.* None of the terms or prohibitions of this section shall apply to or be enforced against:
- (1) Any publicly owned vehicle while engaged upon necessary public business;
 - (2) Excavations or repairs of bridges, streets or highways by or on behalf of any public agency during the night, when the public welfare and convenience render it impossible to perform such work during the day; or
 - (3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character, and for which a permit is first obtained from the mayor.

(Code 1957, §§ 12-22, 12-22.1; Ord. No. 82-14, 12-21-82)

Cross reference— Animals, Ch. 4; buildings, Ch. 5; fire prevention and protection, Ch. 7; licenses and business regulations, Ch. 10; motor vehicles and traffic, Ch. 12; streets and sidewalks, Ch. 16.

State Law reference— Disturbing the peace, R.S. 14:103.

Sec. 13-22. - Open container law.

- (a) No person shall consume alcoholic beverages of any kind in Magdalen Square or on the public streets, public parking lots, sidewalks and public parks of the city, except as may be herein specifically set out by other provisions of this chapter and except on dates, at times and in places specifically authorized by the governing authority of the city. There is hereby established a rebuttable presumption that a person is deemed to have violated the provisions of this section if he is found in or upon any of the prohibited areas established by this section and in the possession of a container of any kind actually containing or holding an alcoholic beverage or which container is designed and/or manufactured in a sealed condition, either with bottle cap, pull tab closure or otherwise, labeled as containing an alcoholic beverage and which at the time of the offense is open or unsealed.
- (b) The provisions of this section shall not apply to any establishment situated in the historic and community preservation district which holds a valid and current class A and/or R permit, or
- (1) To patrons of said establishment who are being served in a designated outdoor service/smoking area; or
 - (2) To individuals who are validly waiting, on the sidewalk immediately adjacent to the establishment, in a line or queue for seating in said establishment.

(Ord. No. 89-02, 1-17-89; Ord. No. 90-11, 10-16-90; Ord. No. 08-22, 11-18-08; Ord. No. 18-05, 8-7-18)

Sec. 13-23.1. - Unreasonable noise—General prohibition and definitions.

No person shall make or cause to be made any unreasonable or excessive noise in the city, by whatever means or from whatever means or from whatever source.

As used herein, the following terms shall have the following meanings:

- (a) *dBa* shall mean A-weighted sound level in decibels, as measured by a general purpose sound level meter complying with the provisions of the American National Standards Institute, "Specifications for Sound Level Meters (ANSI S1.41971)", properly calibrated, and operated on the "A" weighing network.
- (b) *Loud amplification device or similar equipment* shall mean a radio, television, phonograph, stereo, record player, tape player, cassette player, compact disc player, loud speaker, or sound amplifier which is operated in such a manner that it creates unreasonable or excessive noise.

(c) *Unreasonable or excessive noise* shall mean:

1. Noise measured in excess of 50 dBa between the hours of 11:00 p.m. and 7:00 a.m., or in excess of 70 dBa at all other hours; or
2. Any noise plainly audible at a distance of three hundred (300) feet or, in the case of loud amplification devices or similar equipment, noise plainly audible at a distance of one hundred (100) feet from its source by a person of normal hearing.

(Ord. No. 98-07, 8-18-98)

Sec. 13-23.5. - Noise levels at residential lot lines.

It shall be unlawful for any person except in emergencies by public utility companies to operate any construction device(s), including, but not limited to, impact devices, on any construction site if the operation of such device(s) emits noise, measured at the lot line of a residential lot in excess of 50 dBa between the hours of 6:00 p.m. and 7:00 a.m.

(Ord. No. 98-07, 8-18-98)

Sec. 13-23.6. - Disturbing the peace.

It shall be unlawful for any person or persons within the City of Abbeville to disturb the peace by causing or allowing to be made any unreasonable or excessive noise, including, but not limited to, such noise resulting from the operation of any radio, phonograph, or sound related producing device or instrument, or from the playing of any band or orchestra, or from the use of any device to amplify the aforesaid noise, or from the making of excessive outcries, exclamations, or loud singing or any other excessive noise by a person or group or persons, or from the use of any device to amplify such noise, provided, however, that any performance, concert, establishment, band, group, or person who has received and maintains a valid license or permit from the mayor or any department, board or commission of the City of Abbeville authorized to issue such license or permit shall be exempt from the provisions of this section. Unreasonable or excessive noise shall be defined as noise measured in excess of fifty (50) dBa between the hours of 11:00 p.m. and 7:00 a.m. or in excess of seventy (70) dBa at all other hours when measured not closer than the lot line of a residential lot or from the nearest affected dwelling unit. The term dBa shall mean the A-weighted sound level in decibels, as measured by a general purpose sound level meter complying with the provisions of the American National Standards Institute, "Specifications for Sound Level Meters (ANSI S1.4 1971)", properly calibrated, and operated on the "A" weighing network.

Any person aggrieved by such disturbance of the peace may complain to the police about such unreasonable or excessive noise. The police, in response to each complaint, shall verify by use of the sound level meter describe herein that the noise complained of does exceed the limit described herein and if so, may thereupon arrest and/or make application in the appropriate court for issuance of a criminal complaint.

(Ord. No. 98-07, 8-18-98)

Sec. 13-23.8. - Prohibition against loud amplification devices in public ways or places.

It shall be unlawful for any person in any area of the city to operate a loud amplification device or similar equipment, as defined in section 13-23.1 in a public way or in any other public place.

(Ord. No. 98-07, 8-18-98)

Sec. 13-23.9. - Prohibition against loud amplification devices in or on residential premises.

It shall be unlawful for any person in any area of the city to operate a loud amplification device or similar equipment, as defined in section 13-23.1 in a dwelling house or on the land or other premises of such dwelling house.

(Ord. No. 98-07, 8-18-98)

Sec. 13-23.10. - Enforcement.

Sections 13-23.2 through and including section 13-23.9 may be enforced by any police officer, the city marshal, and any deputy city marshal.

(Ord. No. 98-07, 8-18-98)

Sec. 13-23.11. - Exemptions.

The following are exempted from the provisions of sections 13-21.1 [13-23.1] and following and shall not be considered unreasonable or excessive noise for purposes of this section:

- (a) Noise from law enforcement motor vehicles.
- (b) Noise from emergency vehicles which is emitted during an actual emergency.
- (c) Noise which a person is making or causing to be made where such person has received and maintains a valid license or permit therefor from the mayor or from any department, board or commission of the city authorized to issue such license or permit; provided, however, that such noise shall be permitted only to the extent allowed by the license or permit.

(Ord. No. 98-07, 8-18-98)

Sec. 13-24. - Penalties for offenses against the public.

In addition to the right of the city to seek injunctive relief for the abatement of conduct prohibited by chapter 13, article II, there shall additionally be imposed the following fines and penalties:

Sec. 13-16 Noise. Any person violating section 13-16, after having been advised by any city police officer or city marshal, to refrain from said activity shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), for a first offense, or not less than one hundred dollars (\$100.00), nor more than two hundred fifty dollars (\$250.00), for all subsequent offenses, together with all cost incidental thereto.

Sec. 13-17 Speed limits on waterways. Any person violating section 13-17, after having been advised by any city police officer, city marshal, sheriff's deputy and/or La. Department of Wildlife and Fisheries Officer, to refrain from said activity shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), for a first offense, or not less than one hundred dollars (\$100.00), nor more than two hundred fifty dollars (\$250.00), for all subsequent offenses, together with all cost incidental thereto.

Sec. 13-18 Glass containers. Any person violating section 13-18, after having been advised by any city police officer, city marshal, to refrain from said activity shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), for a first offense, or not less than one hundred dollars (\$100.00), nor more than two hundred fifty dollars (\$250.00), for all subsequent offenses, together with all cost incidental thereto.

Sec. 13-21 Illegal possession of a firearm. Any person violating section 13-21, shall be subject to a fine of up to five hundred fifty dollars (\$500.00), together with all cost incidental thereto. In addition to any fine, the firearm shall be subject to forfeiture and destruction. (R.S. 14:95)

Sec. 13-22 Open containers. Any person violating section 13-22, after having been advised by any city police officer, city marshal, to refrain from said activity shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), for a first offense, or not less than one hundred dollars (\$100.00), nor more than two hundred fifty dollars (\$250.00), for all subsequent offenses, together with all cost incidental thereto.

Sec. 13-23 Unreasonable noise. Any person violating sections 13-23, 13-23.2, 13-23.3, 13-23.4, 13-23.5, 13-23.6, 13-23.7, 13-23.8, and/or 13-23.9, after having been advised by any city police officer, city marshal, to refrain from said activity shall be subject to a fine of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00), for a first offense, or not less than one hundred dollars (\$100.00), nor more than two hundred fifty dollars (\$250.00), for all subsequent offenses, together with all cost incidental thereto.

(Ord. No. 07-09, § 1, 8-7-07)

West's Louisiana Statutes Annotated
Louisiana Revised Statutes
Title 14. Criminal Law (Refs & Annos)
Chapter 1. Criminal Code (Refs & Annos)
Part VI. Offenses Affecting the Public Generally
Subpart A. Offenses Affecting the Public Safety
4. Obstructing Public Passages

LSA-R.S. 14:100.1

§ 100.1. Obstructing public passages

Effective: August 1, 2014
Currentness

A. No person shall wilfully obstruct the free, convenient, and normal use of any public sidewalk, street, highway, bridge, alley, road, or other passageway, or the entrance, corridor, or passage of any public building, structure, water craft, or ferry, by impeding, hindering, stifling, retarding, or restraining traffic or passage thereon or therein.

B. Whoever violates the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both fined and imprisoned.

C. 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.

Credits

Added by Acts 1960, No. 80, § 1. Amended by Acts 1976, No. 488, § 1; Acts 2014, No. 791, § 7.

LSA-R.S. 14:100.1, LA R.S. 14:100.1

Current through the 2020 Second Extraordinary Session.

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Adopted by City - Code of Ordinances
Sec. 13-1 (125)