

OFFENSES AND MISCELLANEOUS PROVISIONS*

Art. I. In General, §§ 11-1–11-40

Art. II. Noise, §§ 11-41–11-46

ARTICLE I. IN GENERAL

Sec. 11-1. Adoption of criminal law of the state.

All acts and conduct that constitute violation of the common law and statutory law of the state as set forth in the Louisiana Revised Statutes, as amended, are hereby declared unlawful when such acts, conduct or violations can have application and the punishment of which is within the jurisdiction of the mayor's court.

Sec. 11-2. Parking lots, business premises restricted at certain times; exceptions.

(a) It shall be unlawful, after the hour of 7:00 p.m., for any person or vehicle to come upon or remain upon or about, or loiter on or about, the premises, grounds or parking lots of any private business or public place which has closed its doors to business for that day; or for any person or vehicle to come upon or remain on or about, or loiter on or about, the premises, grounds, or parking lots of any late-night or all-night business, for any period of time longer than is necessary to specifically and actively conduct and conclude business at the establishment, and any such person shall be able to lawfully account for his presence thereon. Excepted from the provisions of this section are:

- (1) The owner or operator of the business establishment;
- (2) Any employee of the business establishment who is on a mission directly related to his employment;
- (3) Any member of the immediate family of the owner or operator of the business establishment who is on a mission directly related to the operation of the business, or who is on a family mission which causes such family member to be on or about the premises of the business or on or about the parking lot of the business establishment; and
- (4) Firemen and officers of the law in the course and scope of their official duties.

(b) Any person who shall violate any of the provisions of this section, shall, upon conviction, be punished in accordance with section 1-11. The application of this penalty shall not be held to prevent the enforced removal of any prohibited conditions as defined in subsection (a) of this section.

(Ord. No. 680, § 2, 8-19-80)

***Charter reference**—Maximum penalty of mayor's court for violation of town ordinances, § 5.

Cross reference—General penalty for Code violations, § 1-11.

State law reference—Louisiana Criminal Code, R.S. 14:1 et seq.

Sec. 11-3. Fireworks restricted.

(a) It shall be unlawful for any person to sell, distribute, use, or discharge in any manner fireworks of any description between the legal hours of 11:00 p.m. and 10:00 a.m. within the corporate limits of the town. The curfew shall be extended for an additional two (2) hours or until 1:00 a.m. on the morning of January first.

(b) The chief of the fire department may, upon receipt of due application, issue a permit to properly qualified persons for the purpose of giving a fireworks or pyrotechnic display in the public parks or other open areas of the town. The permit shall impose such restrictions as in the opinion of the chief of the fire department may be necessary to properly safeguard adjacent life and property. The permit shall further state the means and location of an area for the safe disposal of any fireworks which may remain unfired after the completion of the display.

(c) Any person who shall violate any of the provisions of this section or fail to comply herewith, or who shall fail to comply with any order made thereunder, shall be punished in accordance with section 1-11.

(Code 1964, § 13-6; Ord. No. 664, § 1, 8-1-78)

Cross reference—Fire prevention and protection, Ch. 7.

State law reference—Authority of municipalities to regulate or prohibit the sale, use and possession of fireworks, R.S. 51:660.

Sec. 11-4. False fire alarms.

It shall be unlawful for any person to give or cause to be given any false fire alarm within the town.

(Code 1964, § 13-5)

Cross reference—Fire prevention and protection, Ch. 7.

State law reference—Similar provisions, R.S. 14:59(2).

Sec. 11-5. Damaging property.

It shall be unlawful for any person to damage, deface or otherwise disturb the property of another, whether public or private.

(Code 1964, § 13-2)

State law references—Aggravated criminal damage to property, R.S. 14:55; simple criminal damage to property, R.S. 14:56.

Sec. 11-6. Disorderly conduct and disturbing the peace.

It shall be unlawful for any person to commit any riotous or disorderly conduct.

(Code 1964, § 13-3)

State law reference—Conduct constituting disturbing the peace, R.S. 14:103.

Sec. 11-7. Drunkenness in public.

It shall be unlawful for any person to appear upon the streets of the town or in any other public place in a drunken or intoxicated condition.

(Code 1964, § 13-4)

Cross reference—Alcoholic beverages, Ch. 3.

Sec. 11-8. Gambling.

Gambling is the intentional conducting, directly assisting in conducting as a business whereby a person risks the loss of anything of value in order to realize a profit, and shall be unlawful.

(Code 1964, § 13-7)

State law reference—Municipal authority to prohibit gambling, R.S. 33:4851.1.

Sec. 11-9. Houses of prostitution.

No person shall maintain, operate, or knowingly own any place or any conveyance used for the purpose of lewdness, assignation, or prostitution, or rent or let any place or conveyance to any person with knowledge of or good reason to believe that the lessee intends to use the place or conveyance for the purpose of lewdness, assignation, or prostitution. No person shall engage in lewdness, assignation or prostitution, or reside in, enter, or remain in any place for the purpose of lewdness, assignation, or prostitution.

(Code 1964, § 13-8)

State law reference—Similar provisions, R.S. 14:282.

Sec. 11-10. Indecent language.

It shall be unlawful for any person to engage in any loud and boisterous cursing or swearing or to use any obscene or indecent language, in any place frequented by the public.

(Code 1964, § 13-9)

Sec. 11-11. Littering.

It shall be unlawful for any person to place or throw any trash, paper, garbage, sweepings, fruit peels or other litter onto any street, sidewalk, park or public place.

(Code 1964, § 13-10)

Cross references—Garbage, trash and weeds, Ch. 9; streets and sidewalks, Ch. 14.

Sec. 11-12. Loitering or unlawful assemblies obstructing pedestrian or vehicle traffic.

It shall be unlawful for any person or persons to assemble or loiter in any public or private business establishment, or public park, street, sidewalk, or any other place when such loitering or assembly interferes with, retards, or restricts the normal pedestrian or automotive traffic.

(Code 1964, § 13-11)

Cross reference—Traffic and motor vehicles, Ch. 16.

State law references—Loitering generally, R.S. 14:107; similar conduct declared disturbing the peace, R.S. 14:103.

Sec. 11-13. Mining or drilling near certain premises.

It shall be unlawful to erect a derrick or drill a well for the purpose of extracting oil, gas, coal or any other mineral within three hundred (300) feet of any residence, place of business, church, school or cemetery.

(Code 1964, § 13-12)

Sec. 11-14. Obstructing town officers.

It shall be unlawful for any person to resist, hinder or in any way interfere with any peace or other officer of the town in the discharge of his official duties.

(Code 1964, § 13-13)

State law reference—Resisting officers, R.S. 14:108.

Sec. 11-15. Parades and demonstrations; permit required; town clerk authorized to regulate route; notice required.

(a) It shall be unlawful for any person or persons to conduct a march, parade, demonstration or hold any type of public assembly within the town limits without first acquiring a written permit from the town clerk authorizing same.

(b) The town clerk shall issue a permit to any person or persons desiring to conduct a march, parade, demonstration or public assembly, provided, however, that the town clerk has the limited discretion to select the time, place, duration and the manner of use of the public streets and facilities for such march, parade, demonstration or public assembly.

(c) All applications for permits to march, parade, demonstrate or hold public assembly must be applied for at the office of the town clerk in the town hall at least twenty-four (24) hours prior to the time such march, parade, demonstration or public assembly will be held in order that the governing authorities can secure the services of a sufficient number of traffic officers to protect the participants and the general public.

(Code 1964, § 13-14)

Cross references—Streets and sidewalks, Ch. 14; traffic and motor vehicles, Ch. 16.

State law reference—Municipal permits for processions, marches, parades or demonstrations, R.S. 14:326.

Sec. 11-16. Weapons.

(a) *Carrying concealed prohibited.* It shall be unlawful for any person to carry any kind of concealed weapon within the town.

(b) *Discharging across streets, sidewalks.* It shall be unlawful to fire, shoot or discharge any firearm, air or spring gun, slingshot, bow and arrow or other weapon on or across any street or sidewalk in the town.

(c) *Carrying while loaded.* It shall be unlawful for any person to carry upon his person in any public place in the town any type of firearm, including shotgun, rifle, zipgun, pistol or any

other type of weapon that could cause death or great bodily harm, when such gun or weapon is loaded with any type of ammunition, unless written permission to do so is first acquired from the mayor.

(d) *Penalty.* Any person violating the provisions of this section shall, upon conviction, be punished in accordance with section 1-11.

(Code 1964, §§ 13-23—13-25)

State law references—Throwing stones, missiles, etc., in any street, alley, road, etc., declared criminal mischief, R.S. 14:59(6); illegal carrying of weapons, R.S. 14:95.

Sec. 11-17. Poolrooms regulated.

(a) *Consumption of alcoholic beverages prohibited.* It shall be unlawful for any owner, operator or manager of a poolroom located in the town to permit any person to drink beer, wine, whiskey or any alcoholic beverage while in such poolroom.

(b) *Gambling prohibited.* It shall be unlawful for any owner, operator or manager of a poolroom in the town to permit any person to gamble in such poolroom.

(c) *Minors under seventeen prohibited.* It shall be unlawful for the owner, operator or manager of any poolroom located and operated in the town to permit any person under the age of seventeen (17) years to enter into and remain and loiter in such poolroom.

(Code 1964, §§ 13-15—13-17)

State law reference—Authority of municipalities of less than five thousand inhabitants to regulate poolrooms, R.S. 33:4854.

Sec. 11-18. Posting bills; permission required.

It shall be unlawful for any person to nail, tack, paste or otherwise affix any sign, poster or advertisement upon the property of another person without the consent of the owner or person in rightful possession of such property, or upon any property belonging to or in the possession of the town without the consent of the mayor.

(Code 1964, § 13-18)

Sec. 11-19. Spitting.

It shall be unlawful for any person to spit upon any street, sidewalk, floor in a public building or upon any other public place.

(Code 1964, § 13-19)

State law reference—Similar provisions, R.S. 40:1121.

Sec. 11-20. Swimming in natatorium when closed or lifeguard not on duty prohibited.

No person shall go in swimming, wading, or be in the water at any time at the Homer Natatorium when the natatorium is closed and not open for business or when a lifeguard is not on duty.

(Code 1964, § 13-21)

Sec. 11-21. Sunday closing required; exceptions.

(a) *Required.* All stores, shops and places of public business, licensed under state law or under any parochial or municipal law shall be closed at 12:00 midnight on Saturday nights, and remain closed for twenty-four (24) hours, during which time no proprietor thereof shall give, trade, barter, exchange or sell any of the stock or any article of merchandise kept in his establishment.

(b) *Exceptions.* The provisions of this section shall not apply to newsdealers, the sale of ice, watering places and public parks, places of resort for recreation and health, newspaper offices, keepers of soda fountains, printing offices, bookstores, drugstores, apothecary shops, undertaker shops, public and private markets, bakeries, dairies, livery stables, railroads, hotels, motels, boardinghouses, warehouses for receiving and forwarding freight, restaurants, telegraph offices and theaters, or any place of amusement. Stores may be opened for the purpose of selling anything necessary in sickness and for burial purposes.

(Code 1964, § 13-20)

Sec. 11-22. Vagrancy.

The following persons are hereby declared vagrants and shall be guilty of this section:

- (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 pension or from persons receiving welfare assistance from the state;

- (6) Prostitutes.

(Code 1964, § 13-22)

State law reference—Similar provisions, R.S. 14:107.

Sec. 11-23. Juvenile curfew—Generally.

(a) *Definitions.* As used in this section the following words and phrases shall have the meanings ascribed to them in this subsection:

Curfew means a regulation to restrict outdoor activities of juveniles in the Town of Homer between the hours of 11:00 p.m. and 5:00 a.m. each day, except on Friday and Saturday, the curfew shall be in force from midnight.

Juvenile means a person who has not attained seventeen (17) years of age.

Parent means a natural or adoptive parent or any person who has legal custody as ordered by a court.

(b) *Unlawful for parents to permit juvenile to be on the street during curfew hours.* It shall be unlawful for a parent knowingly to permit or, by neglect fail to exercise reasonable control, allow his or her juvenile child to be on the street, sidewalks, park or any other public property or public place within the Town of Homer during the curfew hours.

(c) *Unlawful for juvenile to remain in or upon public place during curfew hours.* It shall be unlawful for any juvenile to remain in or upon any public place, including any street, sidewalk, or park in the Town of Homer during the curfew hours.

(d) *Exceptions.* This section shall not apply under the following circumstances:

- (1) When a juvenile is accompanied by a parent, tutor, custodian or other adult person having custody or control of such juvenile.
- (2) When the juvenile is attending a special function or activity sponsored by an educational, religious or nonprofit organization that requires the juvenile to be in a public place at an hour later than that authorized in this section, provided that the sponsor of the activity shall register the activity with the chief of police or his designee prior to the activity. The registrant shall state the time the activity shall end. Juveniles attending such activities shall be subject to the provisions of section 11-23 if they remain in any public place one (1) hour past the time the registered activity is ended.
- (3) When the juvenile is on an emergency errand or specific business or activity directed or permitted by his parent, tutor or other adult having the care and custody of the juvenile or where the juvenile is acting with the scope of legitimate employment. The juvenile shall be in possession of documentation from his parent, tutor or other adult having the care and custody of the juvenile which indicates the start and completion time of the errand, business or activity directed by such person.

The chief of police shall submit a quarterly report to the city council showing the number of violations and/or summons issued for violations of this section.

(Ord. No. 22, 6-1-92)

Sec. 11-24. Same--Procedures.

(a) Any police officer upon finding a juvenile in violation of section 11-23 shall determine the name and address of such juvenile and inform such juvenile that he or she is in violation of curfew and shall direct the juvenile to proceed at once to his or her home. If the police officer determines that the juvenile should be escorted to his or her home or usual place of abode, the police officer shall do so. The juvenile shall be issued a citation directing the juvenile and the parent or tutor to contact within seventy-two (72) hours the Juvenile Bureau of the Homer Police Department.

(b) If the juvenile found in violation of section 11-23 refuses to follow the direction of the police officer or refuses to give such police officer his correct name and address, or if the juvenile has on a previous occasion been informed of a violation of curfew, he or she shall be taken into custody and the parent, tutor or other adult person having the care and custody of the juvenile shall be notified to come and take charge of the juvenile. If the parent, tutor or other adult person cannot be located or fails to come and take charge of the juvenile, the juvenile shall be released to the juvenile authorities. If the juvenile authorities fail to take custody of the juvenile, the juvenile shall be returned to his or her home or usual place of abode. The juvenile shall be issued a citation directing the juvenile and the parent or tutor to appear in the Youth Services Bureau of the Homer Police Department.

(c) If a juvenile is found in violation of section 11-23 on the third or subsequent occasion, the parent, tutor or other adult person having the care and custody of the juvenile after having been previously notified of these violations, shall upon conviction, be fined not more than five hundred dollars (\$500.00) for each offense or sentenced to not more than thirty (30) days in jail. A court having jurisdiction over this offense shall in its discretion direct a penalty other than that stated herein if the court finds that another form of penalty will be more appropriate to address the stated objectives of this section.

(d) Any juvenile violating the provisions of this section shall be dealt with in accordance with all appropriate provisions of the Code of Juvenile Procedure.
(Ord. No. 22, 6-1-92)

Secs. 11-25–11-40. Reserved.

ARTICLE II. NOISE*

Sec. 11-41. Definitions.

As used in this article, unless context otherwise clearly indicates, the words and phrases used in this chapter are defined as follows:

"A" band level shall mean the total sound level of all noise as measured with a sound level meter using the "A" weighing network. The unit is the dbA.

Ambient noise shall mean the all-encompassing noise associated with a given environment, usually being a composite of sounds with many sources near and far.

Band-pressure level of a sound for a specified frequency band shall mean the sound pressure level for the sound contained within the restricted band.

Cycle shall mean the complete sequence of values of a periodic quantity which occurs during a period.

***Editor's note**—Ordinance No. 802, adopted April 4, 1994, did not specifically amend this Code; hence, inclusion of Arts. I–VI was at the discretion of the editor.

Decibel. Decibel (db) shall mean a unit of level which denotes the ratio between two quantities which are proportional to power, the number of decibels corresponding to the ratio of two amounts.

Fluctuating noise shall mean the sound pressure level of a fluctuating noise which varies more than 6 dbA during the period of observation when measured with the slow meter characteristics of a sound level meter.

Frequency of a function periodic in time shall mean the reciprocal of the primitive period. The unit is the cycle per unit time and shall be specified.

Microbar shall mean a unit of pressure commonly used in acoustics and is equal to one dyne per square centimeter.

Period of a periodic quantity shall mean the smallest increment of time for which the function repeats itself.

Sound analyzer shall mean a device for measuring the band pressure level or pressure spectrum level of a sound as a function of frequency.

Sound level meter shall mean an instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a specified manner.

Sound-pressure level in decibels of a sound shall mean twenty times the logarithm to the base ten of the ratio of the pressure of this sound to the reference pressure, which reference pressure shall be explicitly stated.

Spectrum of a function of time shall mean a description of its resolution into components, each of a different frequency.

Motor vehicles shall include, but not be limited to, mini-bikes and go-carts.

Sound-amplifying equipment shall mean any machine or device for the amplification of the human voice, music, or any other sound. Sound-amplifying equipment shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. Sound-amplifying equipment, as used in this article, shall not include warning devices on authorized emergency vehicles or horns or other warning devices on any vehicle used for traffic safety purposes.

(Ord. No. 802, Art. I, 4-4-94)

Sec. 11-42. Regulations.

The use of sound-amplifying equipment shall be subject to the following regulations:

- (1) No sound emanating from sound-amplifying equipment shall exceed fifteen dbA above ambient as measured at any property line.

(2) In any event, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing, or a nuisance to reasonable persons of normal sensitiveness within the area of audibility.

(3) Noise sound pressure levels shall be measured at a distance of twenty-five (25) feet from the noise source.

(Ord. No. 802, Art. II, 4-4-94)

Sec. 11-43. Radios, stereos, television sets, phonographs and similar devices.

(a) *Use restricted.* It shall be unlawful for any person to use, operate or permit to be played any radio receiving set, musical instrument, television, phonograph or other machine or device for the production or reproduction of sound in such a manner as to cause to be made or continued any unnecessary noise as heard without measurement.

(b) *Prima facie violation.* The operation of such set, instrument, television, phonograph, machine or device at any time in such a manner as to be plainly audible at either the property line, or at a distance of twenty-five (25) feet in the case of a vehicle on public rights-of-way, shall be prima facie evidence of a violation of this section.

(c) *Exceptions.* This section shall not apply to any person who is participating in a school band or in a parade which has been authorized by the Town of Homer or the Parish of Claiborne.

(Ord. No. 802, Art. III, 4-4-94)

Sec. 11-44. Maximum permissible sound levels.

The maximum permissible sound pressure level of any continuous source shall be as follows:

Sound Pressure Level Limit

<i>District</i>	<i>dba</i>
Residential	55
Commercial	60
Industrial	80

Sound pressure levels in excess of those established for the districts of the Town of Homer shall constitute prima facie evidence that such sound is an unnecessary noise.

(Ord. No. 802, Art. IV, 4-4-94)

Sec. 11-45. Excessive noise from vehicles.

(a) No person may operate or occupy a motor vehicle on a street, highway, alley, parking lot or driveway when the sound emanating from the sound system of the vehicle is plainly audible at a distance of twenty-five (25) feet or more from the vehicle.

(b) This section shall not apply to noise devices, bands or other musical devices used in public parade or procession which has been authorized by the Town of Homer or the Parish of Claiborne, or to vehicles owned and operated by the Town of Homer or the Parish of Claiborne for public safety purposes.

(Ord. No. 802, Art. V, 4-4-94)

Sec. 11-46. Penalty.

Any person violating any of the provisions of this ordinance may be fined up to five hundred dollars (\$500.00) and/or jailed for a term of up to thirty (30) days for each offense.

(Ord. No. 802, Art. VI, 4-4-94)

[The next page is 689]