









**CODE OF ORDINANCES**  
**OF**  
**OAK GROVE, LOUISIANA**

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**GENERAL ORDINANCES OF THE MUNICIPALITY**

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**Published by Order of the Town Council**

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**MUNICIPAL CODE CORPORATION**

**Tallahassee, Florida**

**1989**



OFFICIALS  
OF  
OAK GROVE, LOUISIANA  
AT THE TIME OF THIS CODIFICATION

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Lavelle Brown  
*Mayor*

---

Jim Holland  
Robert McFarlin  
W.B. Russell  
Noel Haynes  
Brenda Bradley  
*Town Council*

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John M. Lancaster  
*Town Attorney*

---

Melissa Corley  
*Town Clerk*





## PREFACE

This Code constitutes a complete recodification of the ordinances of the Town of Oak Grove of a general and permanent nature.

Source materials used in the preparation of the Code were the 1976 Code, as supplemented, and ordinances subsequently adopted by the council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this volume, the reader can locate any section of the 1976 Code, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order and the various sections within each chapter have been catchlined to facilitate usage. Footnotes which tie related sections of the Code together and which refer to relevant state laws have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this volume.

### *Numbering System*

The numbering system used in this Code is the same system used in many state and municipal codes. Each section number consists of two component parts separated by a dash, the figure before the dash referring to the chapter number and the figure after the dash referring to the position of the section within the chapter. Thus, the first section of Chapter 2 is numbered 2-1 and the ninth section of Chapter 5 is 5-9. Under this system, each section is identified with its chapter and at the same time new sections or even whole chapters can be inserted in their proper place simply by using the decimal system for amendments. By way of illustration: If new material consisting of three sections that would logically come between sections 4-6 and 4-7 is desired to be added, such new sections would be numbered 4-6.1, 4-6.2 and 4-6.3 respectively. New chapters may be included in the same manner. If the new material is to be included between Chapters 7 and 8, it will be designated as Chapter 7.5. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject, the next successive number being assigned to the article or division.

### *Indices*

The indices have been prepared with the greatest of care. Each particular item has been placed under several headings, some of the headings being couched in lay phraseology, others in legal terminology, and still others in language generally used by municipal officers and employees. There are numerous cross references within each index which stand as guideposts to direct the user to the particular item in which he is interested.

### *Looseleaf Supplements*

A special feature of this Code to which the attention of the user is especially directed is the looseleaf system of binding and supplemental servicing for the Code. With this system, the Code will be kept up-to-date periodically. Upon the final passage of amendatory ordinances, they will be properly edited and the appropriate page or pages affected will be reprinted. These new pages will be distributed to holders of copies of the Code, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Successfully keeping this Code up-to-date at all times will depend largely upon the holder of the volume. As revised sheets are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

### *Acknowledgments*

The publication of this Code was under the direct supervision of B. Meade White, Supervising Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to John M. Lancaster, Town Attorney and Sandra B. Miller, Town Clerk, for their cooperation and assistance during the progress of the work on this Code. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the municipality readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the municipality's affairs.

MUNICIPAL CODE CORPORATION  
Tallahassee, Florida

ORDINANCE NO. 483

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR OAK GROVE, LOUISIANA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE TOWN COUNCIL:

*Section 1.* The Code entitled "Code of Ordinances, Oak Grove, Louisiana," published by Municipal Code Corporation consisting of Chapters 1 through 16, each inclusive, is adopted.

*Section 2.* All ordinances of a general and permanent nature enacted on or before October 3, 1988, and not included in the Code or recognized and continued in force by reference therein, are repealed.

*Section 3.* The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

*Section 4.* Unless another penalty is expressly provided, every person convicted of a violation of any provisions of the [Code or any ordinance, rule or regulation adopted or issued in] pursuance thereof shall be punished by a fine not more than five hundred dollars (\$500.00) or by imprisonment for not more than sixty (60) days, or both such fine and imprisonment. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section whether or not such penalty is re-enacted in the amendatory ordinance. In addition to the penalty prescribed above, the municipality may pursue other remedies, such as abatement of nuisances, injunctive relief, and revocation of licenses or permits.

*Section 5.* Additions or amendments to the Code, when passed in the form as to indicate the intention of the council to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code includes the additions and amendments.

*Section 6.* Ordinances adopted after October 3, 1988, that amend or refer to ordinances that have been codified in the Code shall be construed as if they amend or refer to like provisions of the Code.

*Section 7.* This ordinance shall become effective April 12, 1989.

Passed and adopted by the council this 11th day of April, 1989.

/s/ James H. Dumas  
\_\_\_\_\_  
Mayor

/s/ Sandra B. Miller  
\_\_\_\_\_  
Clerk

**Certification of Adoption**

I hereby certify that the foregoing is a true copy of the ordinance passed at the regular meeting of the council of Oak Grove, Louisiana, held on the 11th day of April, 1989.

/s/ Sandra B. Miller

\_\_\_\_\_  
Clerk

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## Checklist of Up-to-Date Pages

(This checklist will be updated with the printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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**PART I**  
**CHARTER\***

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- Art. II. The Council, §§ 2-201—2-214
- Art. III. The Mayor, §§ 3-301—3-309
- Art. IV. Town Officers And Employees, §§ 4-401—4-409
- Art. V. Municipal Court, §§ 5-501—5-509
- Art. VI. Miscellaneous Provisions, §§ 6-601—6-608
- Art. VII. Amendments And Repeals, §§ 7-701, 7-702
- Art. VIII. Schedule, §§ 8-801—8-805

**PREAMBLE**

We, the citizens of the Town of Oak Grove, Louisiana, with hope for the future of our community and faith in the benign presence of Almighty God do hereby establish a municipal charter of government for the maintenance and enhancement of our essential human rights, dignity, and freedom. Being convinced that the best government is that which is closest to the people and having an abiding faith in the democratic processes, we willingly sacrifice our selfish interest to the greater good of our community.

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\*Editor's note—The home rule charter was ratified on January 4, 1966. A copy is recorded in Charter Book "B," at page 401, of the records of West Carroll Parish, Louisiana. Section captions and numbers have been carried forward from the 1976 Code book.  
State law reference—Adoption of home rule charters, R.S. 33:1395 et seq.



**ARTICLE I. INCORPORATION; FORM OF GOVERNMENT; BOUNDARIES; POWERS**

**Sec. 1-101. Incorporation.**

The inhabitants of the Town of Oak Grove, Louisiana, within the corporate limits as now established or as hereafter established by law shall be and continue a body politic and corporate in perpetuity, under the name of the "Town of Oak Grove," hereinafter referred to as the "town."

**Sec. 1-102. Form of government.**

The municipal government provided by this charter shall be that commonly known as the mayor-council form of government. It shall consist of an elected council that shall constitute the legislative branch of the government and an elected mayor who shall be chief executive officer and head of the executive branch.

**Sec. 1-103. Boundaries.**

The boundaries of the town shall be described as follows: Beginning at the point of intersection of the center of Main Street of the Town of Oak Grove, Louisiana, and the center of the Missouri Pacific Railway right-of-way and from said point of beginning run due north 3,960 feet to a one and one-fourth (1¼)-inch iron pipe, hereinafter designated as "Stake No. 1"; also, from said point run west 3,960 feet to a one and one-fourth (1¼)-inch iron pipe, hereinafter designated as "Stake No. 2"; also, from said point run due south 3,960 feet to a one and one-fourth (1¼)-inch iron pipe, hereinafter designated as "Stake No. 3"; also, from said point run due east 3,960 feet to a one and one-fourth (1¼)-inch iron pipe, hereinafter designated as "Stake No. 4"; thence, run in a direct line from Stake No. 1 a distance of 5,580 feet to Stake No. 2; thence, run in a direct line from Stake No. 2 a distance of 5,580 feet to Stake No. 3; thence, run in a direct line from Stake No. 3 a distance of 5,580 feet to Stake No. 4; thence, run north 45 degrees west to a point on the east boundary line of Gaddis Street; thence, run along and with the east line of right-of-way of Gaddis Street to the northeast corner of the intersection of Gaddis Street and Ross Street; thence, proceed westerly along and with the north boundary line of Gaddis

Street to a point where a line drawn directly from Stake No. 4 to Stake No. 1 would intersect with the north boundary line of the right-of-way of Gaddis Street; thence, run north 45 degrees west to Stake No. 1 and point of beginning.

Changes in the town boundaries shall be made in accordance with applicable state general law.

*Editor's note*—The boundaries of the city have been enlarged by Ord. No. 488, adopted Aug. 8, 1989. The description of that enlargement has not been set out herein at the discretion of the editor, but can be found on file for inspection in the town clerk's office.

**Sec. 1-104. Powers.**

(a) The town shall have all of the powers, rights, privileges, immunities and authority possible for a town to have under the constitution and laws of the State of Louisiana, not inconsistent with this charter, and shall also have, expressly or impliedly, all rights and authority to adopt and enforce local police, sanitary and similar regulations, and to do and perform all other acts pertaining to its local affairs, property and government which are necessary or proper in the legitimate exercise of its corporate powers and municipal functions.

(b) The powers of the town under this charter shall be construed liberally in favor of the town, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general powers stated in this article.

(c) The town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, of the United States or any agency thereof.

**ARTICLE II. THE COUNCIL**

**Sec. 2-201. Governing authority and legislative power.**

The council shall be the governing authority of the town for purposes of legislation and policy making.

**Sec. 2-202. Election and size.**

The council of the town shall consist of five (5) members elected at large for four (4) terms concurrent with that of the mayor. Municipal elections shall be held every four (4) years on the Tuesday next following the second Monday of June. The first election under this charter shall be held in June of 1966. The councilmen elected shall qualify and enter upon the discharge of their duties on the first day of July, after their election.

**State law references**—General elections to be held on the fourth Saturday after the first Saturday in April, R.S. 18:402; holding municipal elections, R.S. 33:383.

**Sec. 2-203. Qualifications.**

The councilmen shall be qualified electors of the town and shall have been residents of the town for not less than two (2) years next preceding the election. Councilmen ceasing to possess these qualifications or being convicted of a felony shall immediately become disqualified, creating a vacancy in the office.

**State law reference**—Qualifications, R.S. 33:384, 33:385.

**Sec. 2-204. Compensation.**

The monthly salary of councilmen shall be twenty-five dollars (\$25.00) until changed by ordinance. This salary shall only be paid if the councilman is actually in attendance at the regular monthly meeting. Any ordinance increasing the salary or granting any other monetary compensation shall be effective only after the next regular mayoralty election [and] must have been passed prior to six (6) months before that election.

**State law references**—Duty to fix, R.S. 33:404.1; authority to fix, R.S. 33:405, G.

**Sec. 2-205. Vacancies.**

Vacancies in the office of councilmen shall be filled by mayoralty appointment with council concurrence if the term of office to be filled is less than eighteen (18) months. Such vacancy shall be filled within thirty (30) days of its creation. If the term is greater than eighteen (18) months, a special election to be held within ninety (90) days of the creation of the vacancy shall be called by the mayor.

**State law references**—Dates of elections to fill vacancies, R.S. 18:402; holding election to fill vacancy, R.S. 33:383, C.

**Sec. 2-206. Officers and meetings.**

(a) At the first regular meeting of a newly elected council, and annually thereafter, a mayor pro tem. shall be elected from among the council membership for a one (1) year term of office. In the absence or disqualification of the mayor, the mayor pro tem. shall be the presiding officer of the council.

(b) The council shall hold regular meetings on the first Monday of each month, unless changed by ordinance. All such meetings shall be held in the council chamber of the town hall, or such other place as the council may designate by public notice and shall be open to the public. Three (3) members of the council shall constitute a quorum for the conduct of business and no action may be taken by the council in the absence of a quorum, but a smaller number may adjourn from time to time and compel the attendance of absent members in such manner and subject to such penalties as may be prescribed by the rules of the council. All actions of the council shall be taken only in open public meetings.

(c) Special meetings of the council may be called by the mayor, or by the clerk of the council upon written request of any three (3) councilmen. Written notice of a special meeting shall be served upon all members of the council who are in the parish at least twelve (12) hours prior to the time of the meetings. Councilmen may, however, execute a written waiver of notice of a special meeting.

**State law reference**—Meetings, R.S. 33:405.

**Sec. 2-207. Rules and regulations.**

The council may adopt rules and regulations governing its own organization and business, petition, hearings and like matters, which said rules and regulations, if adopted, shall be available to public inspection in the office of the clerk of the council.

**Sec. 2-208. Actions.**

All actions having the force and effect of law, or any action that creates a contractual obligation of the town; or any action establishing a fine or other penalty; or any action that requires an expenditure of funds either immediately or in the future; or any action making an appropriation; autho-



rizing the borrowing of money; levying a tax, license or other revenue measure; creating a district; establishing a rule, regulation or law for the violation of which a fine or imprisonment may be imposed; granting or revoking a franchise; creating or abolishing any office or employment; or placing any burden upon or limiting the use of private property, shall be by ordinance. However, actions that must be taken pursuant to a general statutory procedure for the construction of a sewerage and street improvements that are to be financed by local or special assessments shall be excepted from the requirements of this section and section 2-211. Actions other than those above may be taken by either ordinance, resolution, or motion, at the discretion of the council.

**State law references**—Enactment, recording, and publication, R.S. 33:406; special assessments, R.S. 33:3969.

#### **Sec. 2-209. Emergency actions.**

The council may in its rules provide for the waiver of the procedural requirements of the charter for the passage of legislation. This waiver shall apply only to emergency situations and shall be by unanimous consent of the council members present.

#### **Sec. 2-210. Ordinances and resolutions.**

(a) All ordinances and resolutions shall be introduced in full and in typewritten form and, except for codifications and the annual budgets, shall be confined to one (1) subject, expressed clearly in the title.

(b) All ordinances shall be read and considered by sections and shall be passed in open public meeting of the vote of a majority of the council membership. The vote on their final passage shall be taken by "yeas" and "nays," which shall be entered on the minutes by the clerk.

(c) The mayor may veto any ordinance or resolution adopted by the council but, notwithstanding the exercise of this veto power, the council may adopt any ordinance or resolution if two-thirds ( $\frac{2}{3}$ ) of the council members vote in favor thereof after said veto has been exercised. The mayor shall have a line item veto on all budgetary ordinances.

**State law reference**—Enactment, recording and publication, R.S. 33:406.

#### **Sec. 2-211. Effectiveness of ordinances.**

Ordinances signed by the mayor or passed over his veto shall become effective immediately. Ordinances shall be published in the official journal of the town by the clerk of the council as soon as practicable thereafter either in full or in summary at the discretion of the council.

#### **Sec. 2-212. Investigation and removal.**

The council may investigate the operations of any agency of the town government or any agency which derives support from appropriations made by the council. In any such investigation the council may administer oaths, subpoena witnesses and compel the production of records.

#### **Sec. 2-213. Audit.**

The council shall contract each year with a certified public accountant or a firm of certified public accountants for an examination of the accounts of the town to include all funds appropriated or approved by the council. The auditor shall not be a public officer, official, or employee, nor shall he hold any political office or be an officer or employee of any political party or organization. The audit shall be conducted in all respects in accordance with the state law, and the report shall be tendered to the council through the town clerk.

**State law reference**—Audit required, R.S. 24:517.

#### **Sec. 2-214. Codifications.**

The council shall have the authority to arrange for the classification and codification of all ordinances of general applicability; a committee of the council may be appointed to revise the style [of] such ordinances in conformity with the general plan of any code so adopted.

**State law references**—Codification required, R.S. 33:1361; procedure, R.S. 33:1369.

**ARTICLE III. THE MAYOR**

**Sec. 3-301. Executive authority.**

The mayor shall be the executive officer of the town. All executive and administrative authority shall be exercised by and through the mayor except as otherwise set forth in this charter.

*State law reference*—Duties of mayor, R.S. 33:404.

**Sec. 3-302. Election and terms.**

The mayor shall be elected for a four (4) year term concurrent with that of the council and at the time specified in section 2-202 of this charter.

**Sec. 3-303. Qualifications.**

The mayor shall be a qualified elector of the town and shall have been a resident of the town for not less than two (2) years next preceding the election. If the mayor shall cease to possess these qualifications or to be convicted of a felony, he shall immediately become disqualified, creating a vacancy in the office.

*State law reference*—Qualifications of mayor, R.S. 33:384.

**Sec. 3-304. Compensation.**

The monthly salary of the mayor shall be one thousand five hundred dollars (\$1,500.00) until changed by ordinance. Any ordinance increasing the salary or granting any other monetary compensation shall be effective only after the next regular mayoralty election and must have been passed prior to six (6) months before that election. (Ord. No. 547, 4-10-01)

*Editor's note*—It should be noted that the provisions of Ord. No. 547 become effective July 1, 2002.

*State law reference*—Fixing compensation, R.S. 33:404.1.

**Sec. 3-305. Vacancy.**

(a) During a temporary absence from the town or temporary inability to perform the duties of the office of the mayor, the vacancy shall be filled by the mayor pro tem. elected by the council. The mayor pro tem. shall not participate as a councilman in council meetings or actions during this period.

(b) In the event of a vacancy in the office of mayor when the term will expire in less than eighteen (18) months, the mayor pro tem. shall

succeed to the mayoralty. A vacancy shall then have been created on the council. In the event of a vacancy in the office of mayor when the remaining term is for a period greater than eighteen (18) months, a special election to be held within ninety (90) days shall be called by the council.

**Sec. 3-306. Office.**

The mayor shall maintain his office in the town hall.

**Sec. 3-307. Powers and duties.**

(a) The mayor shall preside at all meetings of the town council, and in case there is a tie vote, he shall give the deciding vote. He shall have supervising control of all offices and affairs of the municipality; he shall actively and vigilantly see that all the laws and ordinances are properly executed and enforced; he may veto any ordinance or resolution adopted; notwithstanding the exercise of this veto power, any ordinance or resolution may be adopted if two-thirds (2/3) of the councilmen vote thereafter in favor of its adoption. He shall sign commissions and appointments of all town offices elected or appointed by him with the advice and consent of the town council. He shall sign warrants drawn on the treasury for money, and require the clerk to attest to the same, to affix thereto the seal of the municipality and to keep an accurate record thereof in a well-bound book to be kept for that purpose. He shall from time to time communicate to the town council information and recommended measures which may tend to the improvement of the finances, the police, health, security, appearance, comfort, and general prosperity of the town. He may require any officer or employee of the town to exhibit his accounts or other papers, and to make report to the town council, in writing, on any matter pertaining to said office or employee's office.

(b) He shall cause all other officers and employees to be dealt with promptly for any neglect or violation of duty.

*State law reference*—Powers and duties of mayor, R.S. 33:404.

**Sec. 3-308. Veto.**

(a) All ordinances passed by the council shall be dated and delivered on that day to the office of the mayor by the clerk of the council. The mayor shall have seven (7) calendar days either to sign the ordinance or veto same, assigning written reasons in the event of veto. After seven (7) calendar days, if the mayor does not exercise his veto power, the ordinance shall become law despite the failure of the mayor to sign it.

(b) All ordinances which the mayor vetoes shall be vetoed in full, except that the mayor may exercise a line item veto for any item in the operating or capital budget.



**Sec. 3-309. Relations with the council.**

The mayor may at all times present to the council messages and requests for action. The mayor shall attend all public meetings of the council and shall be heard on his request on matters currently pending before that body. However, the mayor shall have no power of vote (except to resolve a tie vote of the council) and shall not be entitled to introduce any proposed ordinance or resolution.

### **ARTICLE IV. TOWN OFFICERS AND EMPLOYEES**

**Sec. 4-401. Town officers.**

In addition to the elected mayor and councilmen, the officers of the town shall be a town clerk (who will also serve as town treasurer and tax collector), a town attorney, a street commissioner, and a chief of police, all of whom shall be appointed by the mayor and confirmed by a majority vote of the town council, and who shall serve at the pleasure of the council. Such appointments shall be made at the first regular meeting of the town council succeeding each regular municipal election, or thereafter as a vacancy may occur. The office of street commissioner may be held by the chief of police, or other qualified person, at the discretion of the council.

**Sec. 4-402. Duties of the clerk.**

The town clerk shall give notice of council meetings to its members, keep the minutes of its meetings, maintain the book of ordinances of the town, serve as clerk of the municipal court, and shall perform such other duties as are assigned to him by the council, this charter, or the applicable laws of the state. The clerk shall be covered by fidelity bond in such amount as the council deems necessary.

*State law reference*—Duties of clerk, R.S. 33:421.

**Sec. 4-403. Duties of the clerk as tax collector.**

The town clerk in his capacity as tax collector, shall collect, account for, and pay over all taxes levied by the municipality and shall perform all other duties required of him by ordinance, or such as may be required by law of collectors of parish

and state taxes, under the same penalties prescribed by law for the collection of state and parish taxes. The clerk, as tax collector, and the sureties of his official bond, are liable to the municipality for any defalcation, shortage or embezzlement of, or failure to account for, funds of the municipality collected by him, until he has obtained a quietus or discharge from the municipality for the amount of such collections, and for all public money with which he may have been entrusted.

*State law references*—Duties of tax collector, R.S. 33:424; authority to levy and collect taxes, R.S. 33:361; procedure, R.S. 33:461.

**Sec. 4-404. Duties of the clerk as treasurer.**

The clerk, in his capacity as town treasurer, shall receive, safely keep, and pay out, according to law, all monies belonging to the municipality. He shall enter and preserve accounts of each particular fund and accounts of each municipal officer. He shall keep accurate accounts of all receipts and disbursements and make reports, in writing, to the mayor and town council, at each regular meeting, of the finances of the municipality. All fines and forfeitures shall be reported to the clerk by the officer collecting the same, immediately after such collection, and be paid into the treasury. The town clerk shall further perform all other duties that may be described by ordinance, and shall pay out money only on warrant issued by the mayor and council. The books of the clerk shall be subject to inspection by the taxpayers of the municipality at any time during business hours.

*State law reference*—Duties of treasurer, R.S. 33:425.

**Sec. 4-405. Duties of the chief of police.**

The chief of police shall direct and be responsible for the prevention of crime and for law enforcement. He shall have direct supervision of all town law enforcement officials. He shall be responsible for the administration of the town prison, including the care, discipline and utilization of prisoners. He shall be ex-officio constable and shall cooperate with the courts and other law enforcement officials. He shall further carry out

all other duties required of him by the council, this charter, and applicable state and federal law.

**State law reference**—Duties of marshal as chief of police, R.S. 33:423.

**Sec. 4-406. Duties of the street commissioner.**

The street commissioner, under the direction of the mayor and town council, shall be required to see that all municipal streets, alleyways, sidewalks and parks are always in proper repair and he shall be further required to have them worked, repaired, altered, paved, lighted, sprinkled, and everything else done that ought to be done to keep them in good repair and condition. He shall have such other duties as the council may direct.

**State law reference**—Duties of street commissioner, R.S. 33:426.

**Sec. 4-407. Town attorney.**

The town attorney will be chief legal officer for the municipality and shall advise and assist the mayor and town council whenever called upon to do so. He shall, upon request, attend meetings of the town council and may be called upon for the prosecution of criminal cases in the municipal court. He shall be responsible for reviewing all contracts entered into by the town and shall draft ordinances, resolutions, and other documents as requested by the mayor or council. His compensation shall be as established from time to time by the town council.

**Cross reference**—Duties in municipal court, § 5-508.

**State law references**—Authority to appoint, R.S. 33:386; number of attorneys limited, R.S. 33:1811.

**Sec. 4-408. Departments and department heads.**

The departments of the town shall be an administration department, to be headed by the town clerk; a street department to be headed by the street commissioner; a police department to be headed by the chief of police; and a legal department to be headed by the town attorney.

**Sec. 4-409. Town employees.**

(a) The employees of the town shall be those authorized by the town council and shall be employed by the appropriate department head with the approval of the town council. All town employees shall serve at the pleasure of the council.

(b) Provisions for employment of all town employees shall be made by the council at the time the annual budget ordinance is passed, and the salaries of said employees shall be provided for in the budget. Nevertheless, special police personnel may be appointed by the town council, at any time, to serve without compensation.

**State law reference**—Authority as to employees, R.S. 33:362, A(3).

**ARTICLE V. MUNICIPAL COURT**

**Sec. 5-501. The mayor as judge of municipal court.**

The municipal court shall have jurisdiction to try violations of all municipal ordinances. The mayor is designated as judge over the municipal court and shall try all charges of breach of the municipal ordinances and, where the defendant is found guilty, impose fines or imprisonment, or both, as provided by the various ordinances. The mayor shall have authority to suspend sentences of the fine or imprisonment, or both, and to order probation and to enter other appropriate orders.

**State law references**—Mayor's court, R.S. 33:341; municipal courts, R.S. 13:1871 et seq.

**Sec. 5-502. Prosecution to be by affidavit.**

All prosecutions for violation of municipal ordinances in the municipal court shall be by affidavit. No information or indictment shall be necessary.

**Sec. 5-503. Rights of accused.**

The accused shall be entitled to all rights of due process of law, including the right to be represented by counsel of his choice, to have witnesses in his behalf summoned, and to other necessary orders for the production of evidence. The mayor shall set bond in all cases within twenty-four (24) hours after the arrest of an accused.

**Sec. 5-504. Chief of police as executive officer of court.**

The chief of police shall attend all sessions of the municipal court and shall act as its executive officer and serve its processes.

**Sec. 5-505. Records.**

The mayor shall keep a regular docket on which he shall enter the prosecutions arising under the ordinances and to be tried by him. He shall keep a record of all cases tried which shall consist of a copy of the affidavit and complete minutes and trial proceedings. These minutes shall show the date the accused was arraigned, his plea to the charges, the date and nature of the verdict, and the sentence imposed if the accused is found guilty.

**Sec. 5-506. Appeals.**

All appeals from convictions in municipal court shall be to the state district court, where the prosecution shall be tried de novo. All motions for appeal must be made within five (5) days of sentence. Motions for appeal may be made orally in open court or in writing within the delays allowed. No particular form is required. All motions for appeal must be perfected by posting a bond, which bond shall be in the amount of one and one-half (1½) times the amount of the fine and cost of court or, if the sentence was to imprisonment without fine, in an amount to be set by the mayor sufficient to assure the appearance of the defendant if the judgment of the municipal court is affirmed. In proper cases, an appearance bond may be continued as the appeal bond.

**Sec. 5-507. Record on appeal.**

It shall be the duty of the mayor, immediately upon an appeal being perfected, to forward to the clerk of the district court the complete record of the case, which shall consist of an authentic copy of the ordinance or ordinances under which the prosecution was had, the affidavit, the minutes of the court, and all real evidence admitted on behalf of the town and the defendant.

**Sec. 5-508. Duties of the town attorney.**

The town attorney shall, when requested by the mayor, prosecute in the town court violations of ordinances. In cases where an appeal is taken to the district court, the town attorney shall represent the town in all proceedings before the district court.

**Sec. 5-509. Costs of court.**

In all cases of convictions before the town (municipal) court, the defendant, in addition to being sentenced to fine and/or imprisonment, may be required to pay the reasonable costs of court.

## ARTICLE VI. MISCELLANEOUS PROVISIONS

**Sec. 6-601. Legal process.**

All legal process against the town shall be served on the mayor.

**Sec. 6-602. Fiscal year.**

The fiscal year of the town shall be from July first to June thirtieth. All appropriations shall be for one (1) fiscal year and shall lapse at the end of the year, the monies reverting to the general fund.

**Sec. 6-603. Bonded debt.**

The town is empowered to incur bonded debt in accordance with the constitution and statutes of the state.

**Sec. 6-604. Procurement.**

Procurement of all property, supplies, materials, services, etc., shall be in accordance with applicable state law and council policy and administrative requirements and shall be in accordance with established standards and specifications.

**Sec. 6-605. Franchises and permits.**

All franchises or indeterminate permits shall be awarded only after properly advertised public hearings. Franchises and indeterminate permits shall be awarded only for monetary consideration.

**Sec. 6-606. Facsimile signatures.**

Facsimile signatures are authorized for negotiable instruments and multiple certificates of indebtedness in those cases where an official is required to sign by law.

**Sec. 6-607. Continuation in office.**

All appointed or elected officials or officers of the town shall continue in office until his successor has been appointed or elected and qualified.

**Sec. 6-608. War and public disasters.**

In the event of war or public disaster that incapacitates the mayor and a majority of the council, the remaining members of the government may act on an emergency basis and appoint such other officials as is necessary to reconstitute a government of the town. It shall be the intent of this section that these emergency powers shall subsist only so long as an emergency exists and that regularly constituted elections shall be held as soon as it is judicially determined that conditions permit their being held.

**ARTICLE VII. AMENDMENTS AND REPEALS**

**Sec. 7-701. Referendum required.**

This charter may be replaced or amended, modified or repealed only by majority vote of the qualified electors of the town voting at a referendum called for such purpose pursuant to applicable state law.

**Sec. 7-702. Reversion to mayor and aldermen form of government.**

In the event that this charter is repealed as provided in section 7-701 without any other specific form of government being substituted in its place, the town shall automatically revert to the mayor and board of aldermen form of government provided by Louisiana Revised Statutes, Title 33, sections 321-481.

*Editor's note*—In the event of repeal of the home rule charter, the town reverts to the "Lawrason Act," which is a general legislative charter.

**ARTICLE VIII. SCHEDULE**

**Sec. 8-801. Effectiveness of provisions.**

The provisions of this charter pertaining to the election of the mayor and the members of the council created hereunder shall go into effect immediately upon promulgation of the results of the referendum approving it, the intent being to provide for the election of the officials of the government in the municipal elections of 1966. All

persons holding office under the present incorporation of the town, prior to the referendum approving this charter, shall continue to hold office for the remainder of the unexpired term to which they were elected, or until their successors qualify.

**Sec. 8-802. When persons elected under charter take office.**

Persons elected under the provisions of this charter shall take office on July 1, 1966, and this charter shall become fully effective on that date except as may be provided specifically herein.

**Sec. 8-803. Matters unaffected by adoption of charter.**

Legal action, proceedings, contracts, obligations due by the town and to the town, and all allied, kindred and associated matters shall continue unaffected and remain pending regardless of the adoption of this charter.

**Sec. 8-804. Severability of provisions.**

If any provisions of this charter or the application thereof to any person or circumstance is for any reason held unconstitutional or otherwise invalid the remainder of this charter and its applicability shall not be affected thereby.

**Sec. 8-805. Applicability of general laws.**

All questions relating to the authority or procedures of the town not specifically covered by this charter or necessarily implied therein shall be in accordance with the type of municipal government established in Louisiana Revised Statutes, Title 33, sections 321-481, insofar as same may apply and not be in conflict with the provisions of this charter.

*Editor's note*—R.S., Title 33, secs. 321-481 refer to "Lawrason Act" municipalities.

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CHARTER  
COMPARATIVE TABLE



## CHARTER COMPARATIVE TABLE

This table shows the location of the sections of the Home Rule Charter ratified on January 4, 1966, and any amendments thereto.

<b>Date</b>	<b>Section</b>	<b>Section this Charter</b>
1-4-66	1-101—8-805	Art. I—Art. VIII

  

<b>Ordinance Number</b>	<b>Date</b>	<b>Section</b>	<b>Section this Code</b>
488	8- 8-89		1-103(note)
547	4-10-01		3-304













**PART II**  
**CODE OF ORDINANCES**  
Chapter 1  
**GENERAL PROVISIONS**



**Sec. 1-1. How Code designated and cited.**

The provisions embraced in this and the following chapters and sections shall constitute and be designated the "Code of Ordinances, Oak Grove, Louisiana," and may be so cited.

(Code 1976, § 1-1001)

**Charter reference**—Codification authority, § 2-214.

**State law reference**—Ordinance codification, Const. 1974, Art. VI, § 10; R.S. 33:1361 et seq.

**Sec. 1-2. Definitions and rules of construction.**

In the construction of this Code and of all ordinances, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the council:

**Computation of time.** In computing a period of time allowed or prescribed by law or ordinance, the date of the act, event or default after which the period begins to run is not to be included. The last day of the period is to be included unless it is a legal holiday, in which event the period runs until the end of the next day which is not a legal holiday.

A half-holiday is considered as a legal holiday. A legal holiday is to be included in the computation of a period of time allowed or prescribed, except when:

- (1) It is expressly excluded;
- (2) It would otherwise be the last day of the period; or
- (3) The period is less than seven (7) days.

**State law reference**—Similar provisions, Code of Civ. Proc. Art. 5059.

**Council, governing body.** Whenever the words "the council," "town council" or "governing body" are used, they shall mean the council of the municipality of Oak Grove, Louisiana.

**Gender.** A word importing one gender only shall extend and be applied to other genders and to firms, partnerships, and corporations as well.

**Joint authority.** All words giving a joint authority to three (3) or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

**Mayor.** Whenever the words "the mayor" are used, they shall mean the mayor of the municipality of Oak Grove, Louisiana.

**Month.** The word "month" shall mean a calendar month.

**Municipal, municipality.** The words "municipal" and "municipality" shall refer to the Town of Oak Grove, Louisiana.

**Nontechnical and technical words.** Words and phrases shall be construed according to the common and accepted usage of the language; but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

**Number.** A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

**Oath.** The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases, the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

**Or, and.** "Or" may be read "and," and "and" may be read "or," if the sense requires it.

**Other officials, officers, etc.; representatives.** Whenever reference is made to officials, officers, agencies or departments by title only, i.e. "clerk," "chief of police," etc. they shall mean the officers, agencies, or departments of the municipality of Oak Grove, Louisiana; and shall include the duly authorized subordinates and representatives thereof.

**Parish.** The words "the parish" or "this parish" shall mean the Parish of West Carroll, Louisiana.

**Person.** The word "person" shall extend and be applied to a number of persons and to associations, clubs, societies, firms, partnerships, and bodies politic and corporate, as well as to individuals.

**Preceding, following.** The words, "preceding" and "following" mean next before and next after, respectively.

**Property.** The word "property" shall include real and personal property.

**Signature or subscription.** Such terms include a mark when the person cannot write.

*State.* The words "the state" or "this state" shall be construed to mean the State of Louisiana.

*Street.* The word "street" shall be construed to embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts, and all other public highways in the municipality.

*Tense.* Words used in the past or present tense include the future as well as the past and present.

*Town.* The words "the town" or "this town" shall be construed as if the words "of Oak Grove, Louisiana," followed them.

*Week.* The word "week" shall be construed to mean seven (7) days.

*Year.* The word "year" shall mean a calendar year.

(Code 1976, § 1-1002)

*Cross reference*—General definitions in the offenses chapter, § 12-1.

*State law reference*—Similar provisions for statutory interpretation, R.S. 1:3 et seq.

### **Sec. 1-3. Catchlines of sections; citations.**

The catchlines of sections in this Code printed in boldface type and citations included at the end of sections are intended to indicate the contents of the section and original historical source respectively, and shall not be deemed or taken to be titles and official sources of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, or citations, are amended or re-enacted.

(Code 1976, § 1-1003)

### **Sec. 1-4. Effect of repeal of ordinances.**

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect.

The repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, or any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed under the ordinance repealed.

(Code 1976, § 1-1004)

### **Sec. 1-5. Amendment to Code; effect of new ordinances; amendatory language.**

All ordinances passed subsequent to this Code of Ordinances which amend, repeal or in any way

affect this Code of Ordinances, may be numbered in accordance with the numbering system of this Code and printed for inclusion therein.

Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section of this Code in substantially the following language: "Section \_\_\_\_\_ of the Code of Ordinances, Oak Grove, Louisiana, is hereby amended to read as follows:" (Set out new provisions in full)

When the governing body desires to enact an ordinance of a general and permanent nature on a subject not heretofore existing in the Code, which the governing body desires to incorporate into the Code, a section in substantially the following language may be made part of the ordinance: "Section \_\_\_\_\_. It is the intention of the Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, Oak Grove, Louisiana and the sections of this ordinance may be re-numbered to accomplish such intention."

(Code 1976, § 1-1006)

*State law reference*—General ordinances become Code amendments, Const. 1974, Art. VI, § 10; R.S. 33:1363.

### **Sec. 1-6. Supplementation of Code.**

(a) By contract or by municipal personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the governing body. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the governing body or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

(b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.

(c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections \_\_\_\_\_ to \_\_\_\_\_" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but, in no case, shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

#### Sec. 1-7. Altering Code.

It shall be unlawful for any person to change or amend by additions or deletions any part or portion of this Code, or to insert or delete pages or portions thereof, or to alter or tamper with such Code in any manner whatsoever which will cause the law of the municipality to be misrepresented thereby. Any person violating this section shall be punished as provided in section 1-8 hereof. (Code 1976, § 1-1007)

#### Sec. 1-8. General penalty.

Except as otherwise provided by the city charter or state law, whenever in this Code or in any ordinance of the municipality an act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or whenever in such Code or ordinance the doing of any act is required or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefor, the violator of any such provision of this Code or of any such ordinance shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than sixty (60) days, or both such fine and imprisonment. Each day any violation of this Code or of any ordinance shall continue shall constitute a separate offense.

Any person who shall aid, abet or assist in the violation of any provision of this Code or any other ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be punished as provided in this section.

(Code 1976, § 1-1008)

**Charter references**—Authority of municipal court to punish violators, § 5-501; imposing costs of court authorized, § 5-501.

**State law references**—Authority to punish by fine up to \$500.00 and imprisonment up to 60 days, R.S. 33:362A(2)(G); punishment for driving while intoxicated, R.S. 14:98.

#### Sec. 1-9. Fines recoverable by civil action.

All fines shall be recoverable by civil action before any court of competent jurisdiction. (Code 1976, § 1-1009)

#### Sec. 1-10. Conflict with adopted codes.

If there is a conflict between any provision of this Code and any code adopted by reference herein, the more restrictive provision shall apply.

#### Sec. 1-11. Continuation of included ordinances.

This Code shall be construed as continuations of and as substitutes for the ordinances or parts of ordinances which are revised and consolidated herein.

#### Sec. 1-12. Certain ordinances not affected by Code.

Nothing in this Code or the ordinances adopting this Code shall be construed to repeal or oth-

erwise affect the validity of any of the following matters, ordinances and resolutions when not inconsistent with this Code:

- (1) Any ordinance or resolution promising or guaranteeing the payment of money for the municipality, or authorizing the issuance of any bonds of the municipality or any evidence of the municipality's indebtedness, or any contract or obligation assumed by the municipality.
- (2) Any administrative ordinances or resolutions not inconsistent herewith;
- (3) Any right or franchise granted by any ordinance or resolution to any person;
- (4) Any ordinance or resolution dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street, alley or other public way;
- (5) The annual appropriation ordinance;
- (6) Any zoning ordinance;
- (7) Any ordinance prescribing the street grades of any street in the municipality;
- (8) Any ordinance providing for local improvements and assessing taxes therefor;
- (9) Any ordinance prescribing traffic regulations for specific streets or locations, not inconsistent herewith;
- (10) Any ordinance creating a special district or authority;
- (11) Any ordinance dedicating or accepting any plat or subdivision in the municipality;
- (12) Any ordinance extending or contracting the boundaries of the municipality;
- (13) Any ordinance providing for the acquisition of lands for use as public parks, or other purposes;
- (14) Any ordinance providing for compensation to officers or employees of the municipality, not inconsistent herewith;
- (15) Any ordinance or resolution fixing utility rates and charges, not inconsistent herewith;
- (16) Any ordinance levying or imposing any tax;

- (17) Any ordinance enacted after February 1, 1988;

and all such provisions shall continue in full force and effect as if fully set forth herein.

**Sec. 1-13. Severability of parts of Code.**

It is hereby declared to be the intention of the governing body that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, or section of this Code shall be declared unconstitutional, illegal or otherwise invalid by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Code. (Code 1976, § 1-1005)

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Chapter 2

**ADMINISTRATION\***

- Art. I. In General, §§ 2-1—2-19  
Art. II. Council Meetings, §§ 2-20—2-23

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\*Cross references—Police department, § 13-40 et seq.; fire department, § 13-50 et seq.; water department, § 10-20 et seq.



## ARTICLE I. IN GENERAL

### Sec. 2-1. General powers as a home rule municipality.

Pursuant to the provisions of Article VI, section 4 of the 1974 constitution of the state, the municipality shall have all the right, power and authority to exercise general police power, and to this end the council is specially empowered to pass all ordinances required or necessary to promote, protect and preserve the general welfare, safety, health, peace and good order of the municipality, including, but not by way of limitation, the right, power and authority to pass ordinances on all subject matters necessary, requisite or proper for the management of the municipality's affairs, and all other subject matters without exception, subject only to the limitation that the same shall not be inconsistent with the constitution or expressly denied by general law applicable to the municipality.

(Code 1976, § 2-1001)

### Sec. 2-2. Mayor as judge authorized to sentence prisoners to work on public streets, alleys and works.

The mayor, as judge of the municipal court, is hereby authorized to sentence all prisoners, duly convicted in the municipal court, to work on the public streets, alleys and works of the municipality when such prisoners serve a jail sentence in lieu of paying a fine. The work on the streets, alleys and works shall be done during the duration of the jail sentence being served.

(Code 1976, § 2-5001)

### Sec. 2-3. Smoking prohibited in City Hall and related buildings.

(a) The following words and phrases shall have the meaning ascribed to them in this section:

"Smoke" or "smoking" means and includes the carrying of a lighted cigar, cigarette, pipe or any other form of tobacco or the inhaling of and exhaling of smoke by a person from any form of lighted tobacco.

(b) Smoking is prohibited in the Town of Oak Grove City Hall and related municipal buildings.

No smoking signs shall be conspicuously posted in City Hall and related buildings by the department head or other person having control of such building.

(c) Any person who violates this section shall be subject to a fine of not more than fifty dollars (\$50.00).

(Ord. No. 508, 8-10-93)

**Secs. 2-4-2-19. Reserved.**

## ARTICLE II. COUNCIL MEETINGS

### Sec. 2-20. Regular meetings; time and place; meetings which fall on holidays.

(a) Regular meetings of the council shall be held in the council chamber of the town hall on the second Tuesday of each month at 5:00 p.m.

(b) Where the day for a meeting falls upon a day which is a legal holiday in this state, such meetings shall be held upon the next succeeding Tuesday at 5:00 p.m.

(Code 1976, § 2-1002; Ord. No. 482, 10-3-88)

Charter reference—Regular meetings, § 2.06.

### Sec. 2-21. Adjourned meetings.

Any session of the council may be continued or adjourned from day to day, or for more than one (1) day, but no adjournment shall be for a longer period than until the next regular meeting thereafter.

(Code 1976, § 2-1003)

Charter reference—Special meetings, § 2.06.

### Sec. 2-22. Order of business.

The order of business for each meeting of the council shall be as follows:

- (1) Call to order.
  - (2) Determination of a quorum.
  - (3) Prayer.
  - (4) Approval of the minutes of the last regular and/or special meeting.
  - (5) Proceed according to the prepared agenda.
- (Code 1976, § 2-1004)

**Sec. 2-23. Rules of procedure.**

(a) At the request of the mayor or any council member, all motions shall be reduced to writing.

(b) A motion to reconsider any of the proceedings of the council shall not be entertained unless it be made by a member who previously voted in the majority.

(c) No motion shall be debated or put until it be seconded and stated by the mayor. It is then and not until then in possession of the council and cannot be withdrawn but by leave of the council.

(d) A motion to adjourn shall be in order at any time, except as follows:

- (1) When repeated without intervening business or discussion;
- (2) When made as an interruption of a member while speaking;
- (3) When the previous question has been ordered; or
- (4) While a vote is being taken.

A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

(e) When a question is under debate, no motion shall be received, but

- (1) To adjourn;
- (2) To lay on the table;
- (3) For the previous question;
- (4) To postpone to a day certain;
- (5) To commit;
- (6) To amend; or
- (7) To postpone indefinitely, which several motions shall have precedence in the order they stand arranged.

(f) When a proper motion is made, but information is wanted, the motion is to postpone to a day certain.

(g) Matters claiming present attention for which it is desired to reserve for more suitable occasion, the order is a motion to lay on the table; the matter may then be called for at any time. If the propo-

sition may need further consideration at the hands of a committee, the motion is to refer to a committee, but if it need but a few and simple amendments, the council shall proceed to consider and amend at once.

(h) On an amendment's being moved, a member who has spoken on the main question may speak again to the amendment.

(i) The question is to be put first on the affirmative and then on the negative side. After the affirmative part of the question has been put, any member who has not spoken before to the question may arise and speak before the negative be put.

(j) When a question has been moved and seconded and has been put by the presiding officer in the affirmative and negative, it cannot be debated unless under motion for reconsideration.

(Code 1976, § 2-1005)

Charter reference—Authority to prescribe, § 2-207.





Chapter 3

**ANIMALS AND FOWL\***

- Art. I. In General, §§ 3-1-3-19  
Art. II. Dogs; Rabies Control, §§ 3-20-3-29

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\*Cross reference—Creation of noise by animals, § 9-2(b)(4).





## ARTICLE I. IN GENERAL

### Sec. 3-1. Cruelty.

It shall be unlawful for any person to be guilty of cruelty to any animal.

Cruelty to animals is the intentional or criminally negligent mistreatment of any animal by any act or omission whereby unjustifiable physical pain, suffering or death is caused or permitted upon such animal.

(Code 1976, § 11-1060)

State law reference—Cruelty to animals, R.S. 14:102, 14:102.1.

### Sec. 3-2. Certain animals prohibited within the town limits.

(a) It shall be unlawful for any person, corporation, companies, or any entity whatsoever to own or harbor the following animals within the corporate limits of the town:

- (1) Hogs, pigs, or any animal of the swine family;
- (2) Cows or any animals of the cow kind;
- (3) Sheep, goats, chickens, peacocks, ducks, or geese; and,
- (4) Horses and mules, or any animal of the horse and mule kind.

(b) Any violation of this section by any entity shall subject said person, corporation or entity to a fine of not more than fifty dollars (\$50.00) per day for each day of the violation and/or imprisonment for not more than thirty (30) days or both.

(c) Any animals found in violation of this section may be taken in charge of by any officer of the town designated for that purpose and placed in a stock shelter or temporary foster care home and there detained until the owner thereof shall come forward and pay the fees and penalties assessed against him for such violation and shall, also, pay the actual costs and expenses incurred due to the impoundment.

When any livestock or fowl is impounded pursuant to this section and remains unclaimed for a period of ten (10) days and no owner has come forth providing proof of ownership and paying all penalties as provided in this section, the animal

control officer and/or the proper and designated officer may sell the impounded animal at public auction to the last and highest bidder for cash.

When the owner neglects or refuses to pay the fine imposed, the mayor may cause to be published in the official journal of the town a notice describing any unclaimed stock or fowl that has been detained under the provisions of this Section. Such notice may state that unless the fine assessed and the incidental expenses are paid, the mayor or his representative shall, on a day fixed, proceed to sell any remaining impounded stock to satisfy the charges arising against them from a violation of this chapter, together with the cost of publication of the sale.

Any funds arising or accruing from enforcement of this section shall be devoted first to the payment of the expenses incurred in the enforcement of this section and after all incidental expenses are paid, any balances shall be placed into the general fund of the town.

(Ord. No. 497, §§ 1—3, 5-14-91; Ord. No. 501, 12-10-91)

Editor's note—Ord. No. 497, §§ 1—3, adopted May 14, 1991, did not specifically amend the Code; hence, inclusion herein as § 3-2 was at the discretion of the editor.

### Secs. 3-3—3-19. Reserved.

## ARTICLE II. DOGS; RABIES CONTROL

### Sec. 3-20. Rabies vaccination—Required; registration; tag to be furnished.

(a) It shall be the duty of the owner of or person responsible for a dog more than three (3) months old to obtain, and retain at all times, a certificate of registration from a licensed veterinarian at the time the dog is inoculated, showing the date the inoculation was administered, the name and address of the owner, a description of the dog by sex, color, estimated approximate age and weight and the breed of the dog if known. The veterinarian administering such inoculation shall record and keep in such veterinarian's files for public inspection such information for a period of not less than eighteen (18) months.

(b) It shall be the duty of the veterinarian administering a vaccine under this article to

furnish the owner of each dog so inoculated a metal tag on which shall be shown the registration number and the year for which the tag is issued. Each registration and tag issued pursuant thereto shall be good from the date of registration to March thirty-first of the year following that in which the tag was issued. Such tag shall be securely fastened at all times to a collar or harness and worn at all times by the dog for which it was issued.

(Code 1976, § 8-3001; Ord. No. 472, § 1, 8-4-86)

State law reference—Rabies control, R.S. 40:1275 et seq.

### Sec. 3-21. Same—Duties of owner.

It is unlawful for any person to possess or harbor a dog within the municipality that is more than three (3) months old without having such dog:

- (1) Inoculated for rabies by a veterinarian;
- (2) Registered with such veterinarian as set out and specified in this article;
- (3) Tagged with a metal tag as set out and specified in this article.

(Code 1976, § 8-3002(a); Ord. No. 472, § 2, 8-4-86)

### Sec. 3-22. Running at large.

It is unlawful for any owner or person responsible for any dog to permit the dog to run or be at large, unless that person accompanies the dog and the dog is held by a leash not longer than eight (8) feet in length. For the purpose of this section, "at large" means to be on any road, street or other public place, or on any premises other than the premises of the owner or person responsible, or otherwise off the premises of the owner or person responsible.

(Code 1976, §§ 8-3001, 8-3002(b); Ord. No. 472, § 2, 8-4-86)

### Sec. 3-23. Vicious or dangerous dogs and uncontrollable dogs—Disposition; definitions.

Vicious or dangerous dogs and uncontrollable dogs may be killed immediately by any officer of the town. For the purposes of this article "vicious or dangerous dog" means any dog that has bitten a human being or any dog which is dangerous to

life or limb of any person; "uncontrollable dog" means any dog that cannot be caught in the usual way or manner for impounding purposes when off the owner's premises.

(Code 1976, §§ 8-3005, 11-2013; Ord. No. 472, § 5, 8-4-86)

### Sec. 3-24. Same—Vicious dogs to be muzzled.

All persons having control, care or custody of, or keeping as owner, any dog of dangerous or vicious nature are hereby prohibited from permitting such dog to go upon the sidewalk, street or any public property unless such dog is properly muzzled so that it cannot bite or injure any person.

(Code 1976, § 11-2012)

### Sec. 3-25. Seizure and impoundment—Procedure.

(a) Dogs are subject to seizure and impoundment, if running at large as defined in section 3-22, or if not inoculated, unregistered, rabid, suspected of being rabid or bitten by another animal suspected of having rabies, unless the dog is hospitalized or under the care of a veterinarian.

(b) When the owner of an impounded dog can be determined by identification from the dog's tag, notice will be sent by mail to the owner's last known address, advising of the impoundment and that the owner may claim the dog by paying the impoundment charges within seven (7) days of the receipt of the notice.

(c) Impounded dogs, except those which have not been currently inoculated, or rabid, or susceptible of being rabid, have been bitten by a rabid animal, or have been exposed to rabies, may be released to the owner upon payment of the following fees:

- (1) For the first offense, a penalty of ten dollars (\$10.00), plus a fee of five dollars (\$5.00) per day for each day the dog is impounded by the municipality.
- (2) For a second offense, a penalty or assessment of twenty-five dollars (\$25.00), plus

a fee of five dollars (\$5.00) per day for each day the dog is impounded by the municipality.

- (3) For third and all subsequent offenses, a penalty or assessment of fifty dollars (\$50.00), plus a fee of five dollars (\$5.00) per day for each day the dog is impounded by the municipality.

(d) Impounded dogs which have not been inoculated may be released to the owner upon payment of a fee of twenty-five dollars (\$25.00), for the first offense. Thirty-five dollars (\$35.00) for the second offense, and seventy-five dollars (\$75.00) for a third and all subsequent offenses, plus a payment of a fee of ten dollars (\$10.00) per day for each day the dog is impounded by the municipality.

(e) If a non-inoculated dog is impounded more than two (2) times within a year, such animal shall be humanely destroyed by the municipality. (Code 1976, § 8-3003; Ord. No. 472, § 3, 8-4-86; Ord. No. 514, 8-9-94)

**Sec. 3-26. Same—Disposition of unclaimed dogs.**

(a) No dog shall be destroyed until seven (7) days have elapsed since the dog was impounded and the owner or person responsible for the dog has not claimed the dog and paid all impoundment charges, except as provided in section 3-25(e) and section 3-23.

(b) If any dog is not claimed within the seven-day period, then the dog shall be humanely destroyed by the municipality. (Code 1976, § 8-3006; Ord. No. 472, § 6, 8-4-86)

**Sec. 3-27. Disposition of rabid dogs.**

(a) Notification shall be made to the parish health officer by municipal officials or the owner of any dog that is rabid, suspected of being rabid, has been bitten by a rabid animal or has bitten a human being. The report shall include all known facts regarding the animal and whether it has been in contact with other animals or with any person, whereby they might have been exposed to the disease.

(b) Any rabid dog or one suspected of being rabid, which has bitten a person or another animal, shall be confined in a place approved by the parish health officer for a period of not less than twenty-one (21) days.

(c) Any dog bitten by a rabid animal or bitten by an animal suspected of being rabid shall be immediately destroyed in a humane manner at the direction of the health officer, or, in the event the owner elects, the animal shall be delivered to a veterinarian of the owner's choice, where it shall be hospitalized for Pasteur treatment and quarantined.

(Code 1976, § 8-3004; Ord. No. 472, § 4, 8-4-86)

**Sec. 3-28. Enforcement.**

Municipal personnel are empowered to patrol the streets, roads or public places, with proper and suitable equipment, to employ proper agents, and to perform all necessary acts to efficiently catch and impound all stray or homeless dogs which may be found at large in the streets, roads or public places.

(Code 1976, § 8-3007; Ord. No. 472, § 7, 8-4-86)

**Sec. 3-29. Interference with municipal personnel.**

It shall be unlawful for any person to violate the provisions of this article or to hinder, molest or interfere with any officer, employee or agent in the performance of any duty provided for this article.

(Code 1976, § 8-3008; Ord. No. 472, § 8, 8-4-86)







Chapter 4

**BUILDINGS, CONSTRUCTION AND RELATED ACTIVITIES\***

<b>Art. I.</b>	<b>In General, §§ 4-1—4-19</b>
<b>Art. II.</b>	<b>Comprehensive Building Regulations, §§ 4-20—4-29</b>
<b>Art. III.</b>	<b>Reserved, §§ 4-30—4-39</b>
<b>Art. IV.</b>	<b>Reserved, §§ 4-40—4-49</b>
<b>Art. V.</b>	<b>Reserved, §§ 4-50—4-59</b>
<b>Art. VI.</b>	<b>Reserved, §§ 4-60—4-65</b>
<b>Art. VII.</b>	<b>Removal of Dangerous Structures, §§ 4-66—4-79</b>
<b>Art. VIII.</b>	<b>Swimming Pools, §§ 4-80—4-95</b>

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\***Cross references**—Creation of noise during construction, § 9-2(b)(8); water supply during construction, § 10-29(c); placing building materials on streets, § 14-5; construction near sidewalks, § 14-6; encroachments, § 14-7; approval of culverts, § 14-1.

**State law reference**—Building regulation authority, R.S. 33:4721 et seq.





## ARTICLE I. IN GENERAL

### Sec. 4-1. Fire and building committee.

(a) The office of fire and building committee is hereby created. The fire and building committee shall be selected from the members comprising the mayor and the council, and shall be composed of at least two (2) members. It shall have the power to appoint a building inspector, who shall serve as long as such inspector is satisfactory to the mayor and the council. The council shall have the right to fix the fees and charges of the inspector.

(b) It shall be the duty of the fire and building committee to enforce all laws relating to the construction, alteration, repair, removal and demolition of buildings and structures.  
(Code 1976, § 12-3001)

### Sec. 4-2. Fire limits.

The fire limits of the municipalities are hereby established as follows: All parcels of ground facing and adjoining the boundary limits of Main Street from the west line of Constitution Avenue on the west to Koerner Street on the east and extending north from Main Street a distance of one hundred forty (140) feet and extending south from Main Street a distance of one hundred forty (140) feet, all within the municipality.  
(Code 1976, § 12-3017)

### Sec. 4-3. Movement of buildings; permit required; enforcement; penalty.

(a) No house, residence, warehouse, office building or any other structure generally considered as immovable by nature, will be moved into, within or out of the corporate limits of the municipality or along the streets and alleyways of the municipality, unless a permit for such movement is first obtained from the chief of police of the municipality.

(b) The permit required by subsection (a) hereof shall be issued at least thirty-six (36) hours prior to the actual commencement of the moving therein authorized and a fee of five dollars (\$5.00) payable to the municipality, shall be charged for each permit granted.

(c) The chief of police shall designate a reasonable time for the movement to commence and shall designate one or more police officers of the municipality as may be required, to supervise the movement to the end that such movement shall not create a traffic hazard or impediment. The person obtaining the permit to move the building shall pay a fee of five dollars (\$5.00) per hour, or major portion thereof, for each police officer engaged in supervising the movement.

(d) Any person violating any provision of this section shall, upon conviction in the municipal court, be fined not more than thirty dollars (\$30.00), or imprisoned for not more than thirty (30) days, or both.  
(Code 1976, § 10-4002)

**Secs. 4-4—4-19. Reserved.**

## ARTICLE II. COMPREHENSIVE BUILDING REGULATIONS\*

### Sec. 4-20. Uniform Construction Code adopted and amendment to the applicable standards.

Effective January 1, 2007, pursuant to R.S. 40:1730.21 et seq., there is hereby adopted, for the purpose of regulating the construction, alterations, repair, equipment, use and occupancy and maintenance of every building or structure or any appurtenance connected or attached to such buildings or structures, excluding farm structures and recreational camps, the Louisiana State Uniform Construction Code. The Louisiana State Uniform Construction Code is incorporated as fully as if set out at length herein and shall be controlling within the corporate limits of the city. The Louisiana State Uniform Construction Code shall consist of the following construction codes and any future amendments to the applicable standards thereof:

- (1) International Building Code, 2006 Edition, not including Chapter 1, Administration, Chapter II, Accessibility, Chapter 27,

\***Editor's note**—Ord. No. 563, Art. 1, adopted Dec. 12, 2006, deleted former Art. II, §§ 4-20—4-29, and enacted a new Art. II as set out herein. Former Art. II pertained to building code. See the Code Comparative Table for complete derivation.

Electrical and Chapter 29, Plumbing System. The applicable standards referenced in that code are included for regulations of construction within this state.

- (2) International Existing Building Code, 2006 Edition, not including Chapter 1, Administration, and the standards referenced in that code for regulations of construction within this state.
- (3) International Residential Code, 2006 Edition, not including Parts I—Administrative, V—Mechanical, VII—Plumbing and VIII—Electrical. The applicable standards referenced in that code are included for regulation of construction within this state. Appendix J, Existing Buildings and Structures, is also included for mandatory regulation. For the purposes of this Part, IRC R301.2.1.1 (Design Criteria) shall be amended as follows and shall only apply to the International Residential Code, 2006 Edition:
  - (a) Amendment of R301.2.1.1 (Design Criteria).
  - (b) Item 6. The American Concrete Institute, Guide to Concrete Masonry Residential Construction in High Winds Areas, shall be added.
  - (c) Item 7, Institute for Business & Home Safety, Optional Code-plus Fortified for Safer Living, shall be added.
  - (d) Item 8, Federal Alliance for Safe Homes, Optional Code-plus Blueprint for Safety, shall be added.
- (4) International Mechanical Code, 2006 Edition, and the standards referenced in that code for regulation of construction within this state.
- (5) The Louisiana State Plumbing Code (Part XIV (Plumbing) of the State-Sanitary Code) as amended by the state health officer acting through the office of public health of the department of health and hospitals. Nothing in this part shall be construed so as to prevent the state health officer for enforcing Part XIV (Plumbing) of the State

Sanitary Code, the enforcement of which is his statutory and regulatory responsibility.

- (6) International Fuel Gas Code, 2006 Edition, and the standards reference in that code for regulation of construction within this state.
- (7) National Electrical Code, 2005 Edition. (Ord. No. 563, Art. 1, 12-12-06)

**Sec. 4-21. Enforcement and inspection.**

The town may, by resolution a) appoint a building official or b) contract, after a competitive request for proposal procedure, with another governmental entity, third-party provider, building official, or building inspector to provide enforcement and inspection services required under the above codes and c) establish a fee schedule for implementation of the provisions of the construction codes adopted herein. (Ord. No. 563, Art. II, 12-12-06)

**Secs. 4-22—4-29. Reserved.**

**ARTICLE III. RESERVED**

**Editor’s note**—Ord. No. 563, Art. 1, adopted Dec. 12, 2006, deleted Art. III, §§ 4-30—4-39, which pertained to electrical code. See the Code Comparative Table for complete derivation.

**Secs. 4-30—4-39. Reserved.**

**ARTICLE IV. RESERVED**

**Editor’s note**—Ord. No. 563, Art. 1, adopted Dec. 12, 2006, deleted Art. IV, §§ 4-40—4-49, which pertained to gas code. See the Code Comparative Table for complete derivation.

**Secs. 4-40—4-49. Reserved.**

**ARTICLE V. RESERVED**

**Editor’s note**—Ord. No. 563, Art. 1, adopted Dec. 12, 2006, deleted Art. V, §§ 4-50—4-59, which pertained to mechanical code. See the Code Comparative Table for complete derivation.

**Secs. 4-50—4-59. Reserved.**

## ARTICLE VI. RESERVED

**Editor's note**—Ord. No. 563, Art. 1, adopted Dec. 12, 2006, deleted Art. VI, §§ 4-60—4-65, which pertained to plumbing code. See the Code Comparative Table for complete derivation.

**Secs. 4-60—4-65. Reserved.**

## ARTICLE VII. REMOVAL OF DANGEROUS STRUCTURES\*

### Sec. 4-66. Condemnation of buildings authorized.

The council may condemn and cause to be demolished or removed any building or structure within the municipality when it is in a dilapidated and dangerous condition which endangers the public welfare.

(Code 1976, § 12-3061)

### Sec. 4-67. Notice to owner; absent owner; hearing; emergency removal.

(a) Before the council may condemn any building or structure there must be submitted to it a written report recommending the demolition or removal of the building signed by the building inspector. The mayor shall thereupon serve notice on the owner of the building or structure requiring such owner to show cause at a meeting of the council, regular or special, why the building or structure should not be condemned. The date and hour of the meeting shall be stated in the notice, which shall be served at least ten (10) days prior to the date of the hearing, except in case of grave public emergency as hereinafter provided. The notice may be served by the chief of police or by any sheriff or deputy sheriff having jurisdiction and power to serve legal process where the owner of the building or structure is found in the state, and the officer shall make return of the service as in ordinary cases.

(b) If the owner be absent from the state or unrepresented therein, the notice shall be served upon the occupant of the condemned building or structure, if any, and also upon an attorney at law

\*State law reference—Authority and procedure, R.S. 33:4761 et seq.

appointed by the mayor to represent the absentee. Domiciliary service may be made as in ordinary cases.

(c) In case of grave public emergency where the condition of the building is such as to cause possible immediate loss or damage to person or property the council may condemn the building after twenty-four (24) hours notice served upon the owner or the owner's agent or the occupant and attorney at law appointed to represent the absentee owner.

(Code 1976, § 12-3062)

### Sec. 4-68. Decision; order to demolish or repair.

After the hearing, if, in the opinion of the council, the facts justify it, an order shall be entered condemning the building and ordering that it be demolished or removed within a certain period. If repairs will correct the dilapidated, dangerous or unsafe condition, the council may grant the owner the option of making such repairs, but in such a case the general nature or extent of the repairs to be made, the time thereof, and the defects to be corrected, shall be specified in the decision of the council.

The decision and order of the council shall be in writing and shall be final unless appealed from within five (5) days as hereinafter provided.

(Code 1976, § 12-3063)

### Sec. 4-69. Appeal from decision.

The owner, or the occupant, agent or other representative of the owner may appeal from the decision of the council to the district court having jurisdiction over the property. The appeal shall be made by the filing of a suit against the municipality setting forth the reasons the decision or order of the council is illegal or improper and the issue shall be tried de novo and by preference in the district court. Where a grave public emergency has been declared by the council, the owner of the building who desires to prevent the demolition or removal thereof must file a petition within forty-eight (48) hours and must, at the time of the filing of the petition, furnish such bond

as may be fixed by the district judge to cover any damage that might be caused by the condition of the building.

Either party may appeal from the judgment of the district court as in other cases.  
(Code 1976, § 12-3064)

**Sec. 4-70. Compliance with decision; demolition by municipality where owner fails to comply; notice.**

The owner or the owner's designated agent may proceed to demolish and remove the building, or have it repaired, in accordance with the order of the council, provided the owner or agent executes a contract in writing obligating the owner and agent to have the work done within the required time and files with the mayor a copy of the contract, together with a bond to guarantee performance.

In the event the owner or agent of the building or structure fails or refuses to comply with the decision of the council and fails to appeal therefrom within the legal period provided herein, the mayor may proceed with the demolition or removal of the condemned building or structure, in which case neither the mayor nor the municipality shall be liable in damages.

Prior to the demolition or removal of the building or structure by the municipality, the mayor or some official designated by the mayor shall serve notice on the owner, or the owner's agent, and on the occupant of the building, if any there be, or upon the attorney at law appointed to represent the minor, interdict or absentee owner, giving the time work will begin upon the demolition or removal of the building.  
(Code 1976, § 12-3065)

**Sec. 4-71. Lien and privilege for cost of demolition by municipality.**

(a) The municipality shall have a lien and privilege for the cost of demolishing or removing the building or structure against the lot and improvements upon which the building or structure is situated. In order to preserve the lien and privilege it shall be the duty of the mayor to prepare and sign a sworn statement of facts,

giving the description of the property and the approximate cost of demolishing or removing the building or structure, which statements of facts shall cause to be filed and recorded in the mortgage office of the parish, and the municipality shall be entitled to recover the amount of this expense together with all costs of court.

(b) The privilege and lien shall be enforced by ordinary process in the district court having jurisdiction of the immovable within three (3) years after it is perfected. Alternatively, the privilege and lien may be enforced by assessing the amount of the privilege and lien against the immovable

as a tax against the immovable, to be enforced and collected as any ordinary property tax lien to be assessed against the property; said lien and privilege may be collected in the manner fixed for collection of taxes and shall be subject to the same civil penalties for delinquencies. After the city has incurred such costs as constitute the lien and privilege on the property, the mayor and/or any director of any community development department of the city may send an attested bill of said costs and expenses which constitute the lien and privilege to the director of administration, who shall add the amount of said bill to the next tax bill of the owner. The lien obtained by the city pursuant to proper notification and filing shall include not only the costs provided for in subsection (a) of this section but shall include all attorney's fees and/or all costs of court incurred in the locating of the owner, the notification of the owner and the enforcement and collection of the amount secured by the lien against the immovable and the improvements. If authorized by municipal ordinance, the municipality may also recover interest on the amounts secured by the lien. The interest shall not exceed the rate of legal interest provided in Civil Code Article 2924 and shall be computed from the date of recordation of the lien until paid. The city's privilege and lien shall prime all other liens or privileges against the property filed after the notice to the owner to show cause is filed with the recorder of mortgages pursuant to R.S. 33:4762(D), regardless of the date on which the city's lien and privilege is perfected, except that the city's lien and privilege will not prime other tax liens against the property.  
(Code 1976, § 12-3066)

**Sec. 4-72. Attorney to represent absentee, minor, or interdict.**

In the event the building or structure is unoccupied and its owner is absent from the state and unrepresented therein, or in the event the building is owned by a minor who has no tutor or an interdict who has no curator, the mayor shall appoint an attorney at law to represent the absentee, minor or interdict upon whom the notices and other proceedings provided in this article may be served. The attorney shall be paid a reasonable fee to be taxed as cost.  
(Code 1976, § 12-3067)

**Secs. 4-73—4-79. Reserved.**

**ARTICLE VIII. SWIMMING POOLS\***

**Sec. 4-80. Definition; classes.**

(a) For engineering design and construction purposes any swimming pool shall be considered as a locally built-up plumbing fixture, which includes the recirculating, filtering and water treatment systems.

(b) For design and approval purposes, swimming pools are segregated into two (2) classifications:

- (1) Public and semi-public swimming pools; and
  - (2) Residential and private swimming pools.
- (Code 1976, § 12-3071)

**Sec. 4-81. Permit to install or alter; plans and specifications.**

(a) Before beginning the installation or alteration of any swimming pool, a permit authorizing such work shall be obtained from the municipal clerk.

(b) Public and semi-public swimming pools shall be designed by a registered engineer or architect qualified within the state, with such person's seal affixed to the plans and specifications. Two (2) sets of such plans and specifications shall be first approved by the state board of health and human resources, one (1) set of which shall be submitted to the building inspector with the application for a permit.

(c) At least one (1) set of plans and specifications for a residential or private swimming pool shall be submitted with the application for a permit, which set shall be retained by the municipal clerk for a permanent record. Any deviations must be approved by the building inspector.  
(Code 1976, § 12-3072)

**Sec. 4-82. General material and design standards.**

(a) All swimming pools shall be constructed of materials which are inert, nontoxic to man, im-

\*Cross reference—Septic tank, etc., precautions for safety for children, § 9-4.

pervious and enduring. The interior pool surfaces shall be finished with concrete, tile or other approved impervious material. The tank shall be tight, with smooth and easily cleaned surfaces of a light color. The floor surface shall be given a nonslip finish. The intersections of wall and floors shall be preferably radius.

(b) All piping, fittings and materials, as well as the design employed in the construction of a swimming pool, must meet the minimum requirements of the municipal building code, together with the minimum requirements of the state board of health and human resources.  
(Code 1976, § 12-3073)

**Sec. 4-83. Equipment standards.**

All electrical work for swimming pools shall be made by a licensed master electrician in accordance with the municipal electrical code. All pools with underwater lighting shall have ground fault protection.  
(Code 1976, § 12-3074)

**Sec. 4-84. Unconventional or portable installations for public or semi-public use.**

Unconventional or portable swimming pool installations for public or semi-public use may be permitted, when such installations are approved by the state board of health and human resources.  
(Code 1976, § 12-3075)

**Sec. 4-85. Location with respect to property lines and existing structures.**

No swimming pool or accessory building thereto shall be located closer than ten (10) feet to a property line or existing structure.  
(Code 1976, § 12-3076)

**Sec. 4-86. Fence or other enclosure.**

All swimming pools shall be completely enclosed by a protective fence or enclosure at least five (5) feet high either encompassing the periphery of the pool or surrounding the lot on which the pool is located. The fence shall be of substantial construction with gates designed to prohibit entry by trespassing children.  
(Code 1976, §§ 11-2014, 12-3077)

Cross reference—Covering of tanks containing water, § 9-4.

**Sec. 4-87. Depth and slope of certain residential and private pools.**

Residential and private swimming pools with diving boards up to twenty-four (24) inches above the water surface shall have a minimum depth of eight (8) feet. The shallow end shall be not less than thirty (30) inches deep and sloping at not more than one (1) foot in ten (10) feet. At a depth of five (5) feet, the slope may be increased to four (4) feet in ten (10) feet.  
(Code 1976, § 12-3078)

**Sec. 4-88. Water supply.**

All portions of the water distribution system serving a swimming pool and auxiliary facilities shall be protected against backflow. Water introduced into the pool, either directly or through the recirculating system, shall be supplied through a rigid air gap. When such connections are not possible, the supply shall be protected by an approved backflow preventer installed on the discharge side of the last valve or device, fixture, or appurtenance.  
(Code 1976, § 12-3079)

**Sec. 4-89. Sewer system.**

Where available, the drainage system of all swimming pools shall discharge into a storm sewer. There shall be no direct physical connection between the sewer system and any drain from the swimming pool or recirculating system. Any swimming pool or gutter drain, or recirculating system, when discharged to the storm drain or sewer system, shall connect through an approved air gap, so as to prevent the possibility of the backup of waste into the swimming pool piping system.  
(Code 1976, § 12-3080)

**Sec. 4-90. Water, gas and sewer connections; inspection of installation before covering work.**

Valved connections between a swimming pool and the municipal water supply system and the gas supply system, as well as the connections to the municipal sewer, shall be made by the municipal maintenance specialist. The extensions and connections to the pool and the pool auxiliaries

may be made by the pool contractor, who shall request inspection of all such installations before such work may be covered.

(Code 1976, § 12-3081)

**Sec. 4-91. Outlets and inlets.**

All swimming pools shall be provided with an outlet at the deepest point of the pool for recirculating and emptying the pool. The grated outlet opening shall be at least four (4) times the area of the discharge pipe. The water inlets shall be arranged so as to get uniform and effective circulation of the incoming water throughout the pool. The inlets shall be not less than ten (10) inches below normal water level.

(Code 1976, § 12-3082)

**Sec. 4-92. Overflow gutters or skimmers.**

Overflow gutters or skimmers shall be required on all swimming pools. Where skimmers are used, at least one (1) skimming device shall be provided for each six hundred (600) square feet of surface or fraction thereof.

(Code 1976, § 12-3083)

**Sec. 4-93. Recirculating system.**

A recirculating system, consisting of pumps, piping, filters, chemical treatment equipment and other accessory equipment shall be provided for every swimming pool, which will clarify the pool water. The circulating system shall be designed for not less than one (1) turn-over of pool water every eight (8) hours. If a vacuum cleaning system is provided, it shall be an integral part of the recirculating system, with sufficient connections located in the walls of the pool.

(Code 1976, § 12-3084)

**Sec. 4-94. Clearness of water.**

At all times when a swimming pool is in use, the water shall be sufficiently clear to permit a black disc, six (6) inches in diameter on a white field, when placed on the bottom of the pool at the deepest point, to be clearly visible from the side-walks of the pool.

(Code 1976, § 12-3085)

**Sec. 4-95. Remedies of municipality and penalties for violation.**

The municipality shall have the benefit of injunctive and all other civil remedies provided by the code of civil procedure of the state for the enforcement of this article and the abatement of any violations. Further, any person found in violation of this article, or any part or portion thereof, shall, upon conviction, be punished as provided in section 1-8.

(Code 1976, § 12-3086)









Chapter 5  
**CEMETERIES**



**Sec. 5-1. Unlawful to establish new or additional cemeteries.**

It shall be unlawful for any person to open, establish, or use any new or additional cemetery within the municipality.  
(Code 1976, § 5-3001)

**Sec. 5-2. All sales of lots subject to rules and regulations.**

Any land hereafter acquired by the municipality for cemetery purposes and all sales of lots and all burials therein shall be subject to all the provisions, rules and regulations contained in this chapter relating to the operation, care, management, and upkeep of municipal cemeteries insofar as the same are applicable thereto.  
(Code 1976, § 5-3002)

**Sec. 5-3. Existing parcels surveyed and laid out.**

All tracts or parcels of land which are now, or may hereafter, be owned by the municipality and set apart and dedicated for use as public cemeteries shall be surveyed and laid out into roads and other passageways, blocks and lots, and that plats or maps thereof shall be made and filed in the office of the municipal clerk, these to be open for inspection by the public; provided, however, that the provisions of this section shall not apply to what is known and referred to as "Old Cemetery" wherein there are no lots for sale.  
(Code 1976, § 5-3003)

**Sec. 5-4. Price and sale of lots.**

The council shall fix the price of lots in the cemeteries. The mayor or the mayor pro tempore may grant to persons deeds of conveyance to such lots as may be purchased. Deeds must be signed by the mayor or mayor pro tempore. Such deeds of conveyance shall specifically provide that the purchaser and the purchaser's heirs and assigns shall have the exclusive right to the use of the lot purchased, but to be used for the sole purpose of burying the dead.  
(Code 1976, § 5-3004)

**Sec. 5-5. Care and maintenance; expense.**

All graves and all vacant lots in municipal cemeteries are entitled to care by the municipality, the expenses of such care are to be borne by the municipality. The word "care" as herein used shall include cutting of grass upon the lots or graves at reasonable intervals, the raking and cleaning of lots or graves, the pruning or trimming of trees or shrubs, and such work as may be necessary to keep the lots and the graves in a neat condition; but shall not include maintenance or repair of any markers or monuments nor the planting of flowers or shrubs upon the lots.  
(Code 1976, § 5-3005)

**Sec. 5-6. Certain enclosures and erections prohibited.**

No fences or enclosures around grave lots shall be permitted; provided that concrete coping may be built around the lots if it does not extend above the level of the lot. No shelters or houses of any kind shall be erected on the lots and no trees or shrubs shall be planted on the lots. Trees and shrubbery may be planted and maintained along the roadways provided they are planted at such distance from the lots that the roots thereof may not interfere with the graves or the tombs. It is permissible for the owners of the lots to plant flowers of the annual variety. The chief of police may remove all enclosures around lots when they are permitted to fall into decay or become unsightly and remove all trees and shrubbery on lots if such trees and shrubbery are injurious to adjacent lots or graves and may remove all dead or decaying trees, but no monument or marker shall be removed by the chief of police.  
(Code 1976, § 5-3006)

**Sec. 5-7. Monuments and mausoleums.**

The building of tombs or mausoleums shall be permitted provided the application for the building thereof is accompanied by plans and specifications satisfactory to the council. All monuments shall be supported by ample concrete foundations.  
(Code 1976, § 5-3007)

**Sec. 5-8. Restrictions.**

(a) It shall be unlawful for any person other than the elected municipal officials, employees or

police officers to be within the cemeteries except during daylight hours.

(b) It shall be unlawful for any person to have or carry any firearms within the cemeteries without the written permission of the chief of police; provided, however, that this provision shall not apply in cases of military funerals and exercises on Memorial Day.

(c) No vehicles shall be driven within a cemetery except on roads designated for that purpose, nor may such be driven in a reckless manner; this provision, however, other than reckless operation, shall not apply to vehicles used by the chief of police and workers.

(d) No person except the owner of the lot or a cemetery employee shall cut, remove, injure, or carry away any flowers, shrubs, or plants from any lot and no person shall deface, injure, or mark upon any markers, headstones, monuments, or other structures and no person other than the owner shall remove, destroy, or carry away vases, flowers, pots, urns, or other objects which have been placed on any lot or grave.

(e) No person shall consume or possess intoxicants within the cemeteries, and no person shall enter the cemeteries while intoxicated.

(Code 1976, § 5-3008)

Cross reference—Open alcoholic beverage containers in public places, § 12-47.

#### **Sec. 5-9. Cemetery fund.**

The municipal clerk shall set up on the books a separate account to be known as the "Cemetery Fund" and shall credit the account with all amounts received from the levy of the ad valorem tax and received from the sale of cemetery lots and maintenance fees. All expenses for the care and upkeep of the cemeteries, the payment of the salaries of the caretaker and laborers, shall be charged to such account.

(Code 1976, § 5-3009)







Chapter 6

**CIVIL DEFENSE AND EMERGENCY PREPAREDNESS\***

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\*State law reference—Louisiana Disaster Act of 1974, R.S. 29:701 et seq.



**Sec. 6-1. Civil defense organization created.**

There is hereby created a local organization for civil defense, pursuant to the provisions of R.S. 29:608.

(Code 1976, § 4-3001)

**Sec. 6-2. Director to be appointed; responsibilities.**

The local organization for civil defense shall have a director who shall be appointed by the governor on the recommendation of the mayor and who shall have direct responsibility for the organization, administration and operation of such local organization for civil defense subject to the direction and control of the governing body under the general direction and control of the state civil defense agency. The director shall execute and enforce such orders, rules and regulations as may be made by the governor of the state under the state civil defense agency.

(Code 1976, § 4-3002)

**Sec. 6-3. Aid or assistance from federal or state government authorized.**

When the federal or state government or any agency or officer thereof shall offer this political subdivision service, equipment, supplies, materials, or funds by way of gift, grant or loan for purposes of civil defense, the director, with the consent of the governing body, may accept such offer and is authorized to receive such aid and assistance.

(Code 1976, § 4-3003)

**Sec. 6-4. Director to prepare detailed civil defense plan.**

The director is authorized and directed to prepare a detailed plan for civil defense in this municipality, and to recruit and train personnel in accordance with the plan to the end that when disaster strikes, each member of the local organization will know such member's part and such member's duty.

(Code 1976, § 4-3004)

**Sec. 6-5. Director authorized to use services and equipment of other departments.**

The director is hereby authorized to utilize the services of equipment, supplies of existing depart-

ments, offices of the municipality, to the maximum extent practicable and the officers and personnel of all such departments and agencies are directed to cooperate and extend such services and facilities to the mayor.

(Code 1976, § 4-3005)

**Sec. 6-6. Declaration of emergency.**

(a) The mayor, or in the mayor's absence, the mayor pro tem., may declare a state of emergency to exist within the corporate limits upon the happening of any one or more of the following events:

- (1) The formation of any unruly mob;
- (2) The existence of a state of war, whether declared or not, or of any insurrection;
- (3) The occurring of any tornado, hurricane, cyclone, earthquake, flood or any other act of God, or force which disrupts or threatens to disrupt the normal activities of the community; and
- (4) The occurrence of multiple acts of arson, or of any acts which unduly alarm and/or threaten the public.

(b) The state of emergency shall be declared by proclamation signed by the mayor and posted on the main door of the city hall, and shall be legally effective immediately upon posting. The proclamation shall be in substantially the following language: "It has been determined that (here state the event giving rise to the emergency) has occurred within the corporate limits of Oak Grove, Louisiana, and that accordingly a state of emergency does in fact exist. I therefore proclaim a state of emergency and invoke the provisions of section 6-6 of the Code of Ordinances of Oak Grove, Louisiana."

(c) In the event a state of emergency is declared by the mayor (or mayor pro tem.) under the provisions of subsection (a) hereof, the mayor or mayor pro tem. shall become vested with the following extraordinary powers, which may be exercised at the discretion of such official:

- (1) To establish curfew to be effective within the corporate limits;
- (2) To prohibit the sale of gasoline, explosives, dynamite and/or any other type of inflam-

mable or explosive materials; firearms or any other materials or supplies or any component parts thereof which could readily be utilized as weapons;

- (3) To mobilize and deputize an auxiliary police force under the command of the mayor (or mayor pro tem.) and the chief of police;
- (4) To order searches and seizures where deemed necessary to preserve the peace and protect lives or property;
- (5) To disperse assemblies or congregations of people; and
- (6) To suspend issuance of parade permits.

(d) Any orders issued by the mayor under the mayor's extraordinary powers during a declaration of state of emergency shall be effective immediately with the posting of such orders upon the main door of the city hall, or upon verbal communication by the mayor directly to the persons whom the order is intended to affect.

(e) The state of emergency shall legally end when the mayor determines that the peace and good order of the municipality are no longer threatened and declares this in a proclamation which shall be posed upon the main door of the town hall.

(f) Any powers of auxiliary police, as authorized under subsection (c)(3) of this section shall only be exercised after mobilization by the mayor and shall immediately cease upon the proclamation of the end of the state of emergency.

(g) Anyone violating any provision of this section or any orders issued by the mayor hereunder, shall, upon conviction, be punished as provided in section 1-8.

(Code 1976, § 2-2002)

**State law reference**—Declaration of emergency, R.S. 29:706.





Chapter 7

**FIRE PREVENTION AND PROTECTION\***

- Art. I. In General, §§ 7-1-7-19  
Art. II. Fire Prevention Code, §§ 7-20-7-24

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\*Cross references—False alarm, § 12-79; obstructing firefighters, § 12-74; obstruction of fire prevention, § 12-75; building fires on streets, § 8-19.

State law reference—Fire prevention authority as to buildings, R.S. 33:4741 et seq.





## ARTICLE I. IN GENERAL

### Sec. 7-1. Fireworks.

(a) *Definition:* The term "pyrotechnics," whenever used in this section shall be held to mean any sparkler, squib, rocket, firecracker, Roman candle, signal light, fireworks, or other device or composition used to obtain visible or audible pyrotechnic display.

(b) *Possession or sale prohibited:* It shall be unlawful for any person to have, keep, store, use, manufacture, offer to sell, handle, or transport any pyrotechnics of any description within the corporate limits except as herein provided.

(c) *Exceptions:* Nothing contained in this section shall be held to apply:

- (1) To the possession or use of signaling devices for current daily consumption by railroads, trucks or vessels requiring them.
- (2) To pyrotechnic display of fireworks in public parks or other open places, where a permit for such display has been issued by the chief of police.
- (3) To the possession, sale or use of normal stacks of flashlight compositions by photographers or dealers in photographic supplies.

(Code 1976, § 11-2006)

State law reference—Authority to regulate or prohibit, R.S. 51:660.

### Sec. 7-2. Open-air burning—Trash, etc., fires generally.

It shall be unlawful for any person to start or set any trash fire or to burn paper, grass, trash or debris where such fire is not protected by a proper furnace or incinerator.

(Code 1976, § 11-1049)

Cross reference—Building fires on streets, § 8-19.

### Sec. 7-3. Same—Incinerator for commercial enterprises.

All commercial enterprises are prohibited from open-air burning of refuse except in an incinerator which has been inspected and approved by the fire chief, who, after such inspection, shall issue a certificate allowing open-air burning in such in-

cinerator, if same complies with generally recognized standards for refuse-burning incinerators. The fire chief shall have authority to from time to time inspect and reinspect such incinerators to assure their continuing compliance with such standards.

(Code 1976, § 4-2032)

### Sec. 7-4. Fire hazards from refuse accumulations to be controlled.

No commercial establishment shall allow an accumulation of refuse on its property or property under its control or property belonging to the public immediately adjacent thereto, or property of any adjoining landowner for a period greater than forty-eight (48) hours, nor shall any commercial enterprise permit the growth of grass upon property owned by it or subject to its control, all such vegetation to be completely destroyed by chemical or mechanical means so as to eliminate any fire hazard from grass fires.

(Code 1976, § 4-2033)

Cross references—Accumulation of refuse generally, § 8-4 et seq.; noxious weeds, § 8-13 et seq.

### Secs. 7-5—7-19. Reserved.

## ARTICLE II. FIRE PREVENTION CODE

### Sec. 7-20. Adopted.

There is hereby adopted by the municipality for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Standard Fire Prevention Code, published by Southern Building Code Congress International, Inc., being particularly the 1988 edition, as amended, thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than three (3) copies have been and now are filed in the office of the clerk and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling within the limits of the municipality. (Code 1976, § 4-2021)

**Sec. 7-21. Enforcing officer—Designated.**

The fire prevention code shall be enforced by the chief of the fire department.  
(Code 1976, § 4-2022)

**Sec. 7-22. Same—Power to modify code.**

The chief of the fire department shall have the power to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or the owner's or lessee's duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the chief of the fire department thereon shall be furnished the applicant.  
(Code 1976, § 4-2024)

**Sec. 7-23. Appeals.**

Whenever the chief of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief of the fire department to the governing body within thirty (30) days from the date of the decision appealed.  
(Code 1976, § 4-2025)

**Sec. 7-24. Penalties for violations.**

(a) Any person who shall violate any of the provisions of the fire prevention code or fail to comply therewith, or who shall violate or fail to comply with any order made thereunto, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the governing body or by a court of competent jurisdiction, within the time fixed herein, shall severally for each such violation and noncompliance respectively, be punished as provided in section 1-8. The imposition of one (1) penalty for any violation

shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.  
(Code 1976, § 4-2026)





Chapter 7.5

**FLOOD DAMAGE PREVENTION**

- Art. I. Statutory Authorization, Findings of Fact, Purpose and Methods, §§ 7.5-1—7.5-20**
- Art. II. General Provisions, §§ 7.5-21—7.5-40**
- Art. III. Administration, §§ 7.5-41—7.5-60**
- Art. IV. Provisions for Flood Hazard Reduction, §§ 7.5-61—7.5-63**



**ARTICLE I. STATUTORY  
AUTHORIZATION, FINDINGS OF FACT,  
PURPOSE AND METHODS**

**Sec. 7.5-1. Statutory authorization.**

The Legislature of the State of Louisiana has in (statutes) LA R.S. 38:84 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Town Council of the Town of Oak Grove, State of Louisiana does ordain as follows.  
(Ord. No. 532, Art. 1(A), 6-10-97)

**Sec. 7.5-2. Findings of fact.**

(a) The flood hazard areas of the Town of Oak Grove are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.

(b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Ord. No. 532, Art. 1(B), 6-10-97)

**Sec. 7.5-3. Statement of purpose.**

It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight area; and
- (7) Insure that potential buyers are notified that property is in a flood area.

(Ord. No. 532, Art. 1(C), 6-10-97)

**Sec. 7.5-4. Methods of reducing flood losses.**

In order to accomplish its purposes, this ordinance uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

(Ord. No. 532, Art. 1(D), 6-10-97)

**Sec. 7.5-5. Definitions.**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give them the meaning they have in common usage and to give this chapter its most reasonable application.

**Alluvial fan flooding** means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

**Apex** means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**Area of shallow flooding** means a designated AO, AH, or VO zone on a community's flood insurance rate map (FIRM) with a one (1) percent chance or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of special flood hazard** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the flood hazard boundary map (FHBM). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

**Base flood** means the flood having a one percent chance of being equalled or exceeded in any given year.

**Basement** means any area of the building having its floor subgrade (below ground level) on all sides.

**Critical feature** means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

**Development** means any manmade change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

**Elevated building** means a nonbasement building (i) built, in the case of a building in Zones

A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and or shear walls parallel to the floor of the water and (ii) adequately anchored so as not to impair the structural integrity, of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building," even though the lower area is enclosed by means of breakaway walls if the breakaway walls met the standards of Section 60.3(e)(5) of the National Flood Insurance Program regulations.

**Existing construction** means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

**Existing manufactured home park or subdivision** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Expansion to an existing manufactured home park or subdivision** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).



*Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters.
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

*Flood hazard boundary map (FHBM)* means an official map of a community, issued by the administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as Zones A, M, and/or E.

*Flood insurance rate map (FIRM)* means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

*Flood insurance study* is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the flood boundary-floodway map.

*Floodplain or flood-prone area* means any land area susceptible to being inundated by water from any source (see definition of flooding).

*Floodplain management* means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

*Floodplain management regulations* means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

*Flood protection system* means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas

within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

*Flood proofing* means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

*Floodway (regulatory floodway)* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

*Functionally dependent use* means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

*Highest adjacent grade* means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

*Historic structure* means any structure that is:

- (1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;

- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- (4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior or;
  - b. Directly by the Secretary of the Interior in states without approved programs.

*Levee* means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

*Levee system* means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

*Manufactured home* means a structure transportable in one (1) or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

*Mean sea level* means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

*New construction* means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

*Recreational vehicle* means a vehicle which is (i) built on a single chassis; (ii) four hundred (400) square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

*Start of construction* - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of

slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

*Structure* means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

*Substantial improvement* means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions or (2) Any alteration of a "historic structure", provided that the alteration shall not preclude the structure's continued designation as a "historic structure."

*Variance* is a grant of relief to a person from the requirement of this chapter when specific enforcement would result in unnecessary hardship. A

variance, therefore, permits construction or development in a manner otherwise prohibited by this chapter. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

*Violation* means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3 (b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

*Water surface elevation* means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. No. 532, Art. 2, 6-10-97)

**Secs. 7.5-6—7.5-20. Reserved.**

## ARTICLE II. GENERAL PROVISIONS

**Sec. 7.5-21. Lands to which this chapter applies.**

This chapter shall apply to all areas of special flood hazard with the jurisdiction of the Town of Oak Grove.  
(Ord. No. 532, Art. 3(A), 6-10-97)

**Sec. 7.5-22. Basis for establishing the areas of special flood hazard.**

The areas of special flood hazard identified by the Federal Emergency Management Agency on its flood hazard boundary map (FHBM), Community Number 220342, dated \_\_\_\_\_, and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter.  
(Ord. No. 532, Art. 3(B), 6-10-97)

**Sec. 7.5-23. Establishment of development permit.**

A development permit shall be required to ensure conformance with the provisions of this chapter.

(Ord. No. 532, Art. 3(C), 6-10-97)

**Sec. 7.5-24. Compliance.**

No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this chapter and other applicable regulations.

(Ord. No. 532, Art. 3(D), 6-10-97)

**Sec. 7.5-25. Abrogation and greater restrictions.**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 532, Art. 3(E), 6-10-97)

**Sec. 7.5-26. Interpretation.**

In the interpretation and application of this chapter, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 532, Art. 3(F), 6-10-97)

**Sec. 7.5-27. Warning and disclaimer of liability.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted

within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. No. 532, Art. 3(G), 6-10-97)

**Secs. 7.5-28—7.5-40. Reserved.**

**ARTICLE III. ADMINISTRATION**

**Sec. 7.5-41. Designation of the floodplain administrator.**

The chief of police is hereby appointed the floodplain administrator to administer and implement the provisions of this chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to floodplain management.

(Ord. No. 532, Art. 4(A), 6-10-97)

**Sec. 7.5-42. Duties and responsibilities of the floodplain administrator.**

Duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this chapter.
- (2) Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.
- (3) Review, approve or deny all applications for development permits required by adoption of this chapter.
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.

- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the floodplain administrator shall make the necessary interpretation.
  - (6) Notify, in riverine situations, adjacent communities and the state coordinating agency which is LA DOTD, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
  - (7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
  - (8) When base flood elevation data has not been provided in accordance with section 7.5-22, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state or other source, in order to administer the provisions of Article IV.
- (Ord. No. 532, Art. 3(B), 6-10-97)

#### Sec. 7.5-43. Permit procedures.

(a) Application for a development permit shall be presented to the floodplain administrator on forms furnished by him/her and may include, but not be limited to plans in duplicate drawn to scale showing the location, dimensions, and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:

- (1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
  - (2) Elevation in relation to mean sea level to which any nonresidential structure shall be floodproofed;
  - (3) A certificate from a registered professional engineer or architect that the non-residential floodproofed structure shall meet the floodproofing criteria of section 7.5-62(2);
  - (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development;
  - (5) Maintain a record of all such information in accordance with this section 7.5-42(1).
- (b) Approval or denial of a development permit by the floodplain administrator shall be based on all of the provisions of this chapter and the following relevant factors:
- (1) The danger to life and property due to flooding or erosion damage;
  - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (3) The danger that materials may be swept onto other lands to the injury of others;
  - (4) The compatibility of the proposed use with existing and anticipated development;
  - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridge public utilities and facilities such as sewer, gas, electrical and water systems;
  - (7) The expected heights, velocity, duration, rate of rise and flood sediment transport of the flood waters and the effects of wave action, applicable, expected at the site;
  - (8) The necessity to the facility of a waterfront location, where applicable;
  - (9) The availability of alternative locations, not subject to flood flooding or erosion damage, for the proposed use;

(10) The relationship of the proposed use to the comprehensive plan for that area.  
(Ord. No. 532, Art. 4(C), 6-10-97)

**Sec. 7.5-44. Variance procedures.**

(a) The appeal board as established by the community shall hear and render judgement on requests for variances from the requirements of this chapter.

(b) The appeal board shall hear and render judgement on an appeal only when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.

(c) Any person or persons aggrieved by the decision of the appeal board may appeal such decision in the courts of competent jurisdiction.

(d) The floodplain administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.

(e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this chapter.

(f) Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half ( $\frac{1}{2}$ ) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in section 7.5-43(b) of this article have been fully considered. As the lot size increases beyond the one-half ( $\frac{1}{2}$ ) acre, the technical justification required for issuing the variance increases.

(g) Upon consideration of the factors noted above and the intent of this chapter, the appeal board by attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this chapter (section 7.5-3).

(h) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

(i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structures's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

(j) Prerequisites for granting variances:

(1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(2) Variances shall only be issued upon, (i) showing a good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(3) Any application to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(k) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that (i) the criteria outlined in section 7.5-44(a)—(i) are met, and (ii) the structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

(Ord. No. 532, Art. 4(D), 6-10-97)

**Secs. 7.5-45—7.5-60. Reserved.**

## ARTICLE IV. PROVISIONS FOR FLOOD HAZARD REDUCTION

### Sec. 7.5-61. General standards.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements.

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
- (4) All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (6) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the system into the flood waters; and,
- (7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. No. 532, Art. 5(A), 6-10-97)

### Sec. 7.5-62. Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth

in (i) section 7.5-22, (ii) section 7.5-42(8), or (iii) section 7.5-63(c), the following provisions are required:

- (1) *Residential construction* - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection as proposed in section 7.5-43(a)(1), is satisfied.
- (2) *Nonresidential construction* - new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlines in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
- (3) *Manufactured homes* - require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of

over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

(Ord. No. 532, Art. 5(B), 6-10-97)

**Sec. 7.5-63. Standards for subdivision proposals.**

(a) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with section 7.5-2 through 7.5-4 of this chapter.

(b) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet development permit requirements of section 7.5-23; section 7.5-43 and the provisions of Article IV of this chapter.

(c) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to section 7.5-22 or section 7.5-42(8) of this chapter.

(d) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

(e) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

(Ord. No. 532, Art. 5(C), 6-10-97)







Chapter 8

**GARBAGE, TRASH, JUNK AND WEEDS\***

- Art. I. In General, §§ 8-1—8-29**
- Art. II. Abandoned Vehicles And Other Junk, §§ 8-30—8-39**
- Art. III. Collection And Disposal Service, §§ 8-40—8-44**

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\*State law reference—Solid waste management and resource recovery, R.S. 30:1121 et seq.



## ARTICLE I. IN GENERAL

### Sec. 8-1. Definitions.

For the purpose of this chapter the following terms shall have the respective meanings ascribed to them:

*Authorized private receptacle:* A litter storage and collection container constructed so as to reasonably confine and retain litter and trash.

*Garbage:* Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food.

*Litter:* Garbage, refuse, and rubbish, as defined herein, and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety and welfare.

*Newspaper:* Any newspaper of general circulation as defined by general law, any newspaper duly entered with the United States postal service, in accordance with federal statute or regulation, and any newspaper filed and recorded with any recording officer as provided by general law; and, in addition thereto, shall mean and include any periodical or current magazine regularly published with not less than four (4) issues per year, and sold to the public.

*Park:* A park, reservation, playground, recreation center or any other public area in the town owned or used by the municipality and its inhabitants, and devoted to active or passive recreation.

*Private premises:* Any dwelling, house, building or other structure, designed or used wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

*Public place:* Any street, sidewalk, boulevard, alley, or other public way and any public park, square, space, grounds or building.

*Refuse:* All putrescible and nonputrescible solid waste (except body waste), including garbage, rubbish, ashes, street cleanings, dead animals, abandoned motor vehicles and solid market and industrial wastes.

*Rubbish:* Nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and plastic and similar materials.

*Vehicle:* Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including devices used exclusively upon stationary rails or tracks. (Code 1976, § 8-5001)

### Sec. 8-2. Placing litter in receptacles; to prevent scattering.

(a) No person shall throw or deposit litter in or upon any street, sidewalk, or other public place except in public receptacles, or in authorized receptacles for collection.

(b) Persons placing litter in public receptacles or in authorized private receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements upon any street, sidewalk or other public place or upon private property. (Code 1976, § 8-5002)

*State law references*—Litter control, R.S. 25:1101 et seq.; littering highway, R.S. 32:289.

### Sec. 8-3. Sweeping litter into gutters, etc.; cleanliness of sidewalk.

(a) No person shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any private or public sidewalk or driveway.

(b) Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter. (Code 1976, § 8-5003)

### Sec. 8-4. Merchants' duty to keep sidewalks free of litter.

No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business shall keep all premises, including sidewalks, service alleys and parking area of their business, free of litter. (Code 1976, § 8-5004)

**Sec. 8-5. Litter thrown from vehicles.**

No person, while a driver or passenger in a vehicle, shall throw or deposit litter upon any street or other public place, or upon private property. (Code 1976, § 8-5005)

**Sec. 8-6. Truck loads causing litter; tracking mud.**

No person shall drive or move any truck or other vehicle unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited upon any street, alley or other public place; nor shall any person drive or move any truck or other vehicle, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind. (Code 1976, § 8-5006)

**Sec. 8-7. Litter in parks.**

No person shall throw or deposit litter in any park within the municipality or owned by the municipality except in public receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements upon any part of the park or upon any street or other public place. Where public receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein. (Code 1976, § 8-5007)

**Sec. 8-8. Litter in lakes and fountains.**

No person shall throw or deposit litter in any fountain, pond, lake, stream, ditch, canal, or any other body of water in a park or elsewhere. (Code 1976, § 8-5008)

**Sec. 8-9. Litter on occupied private property.**

No person shall throw or deposit litter on any occupied or unoccupied private property, whether or not owned by such person, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented

from being carried or deposited by the elements upon any street, sidewalk, or other public place or upon any private property.

(Code 1976, § 8-5009)

**Cross reference**—Refuse and grass fire hazards at commercial establishments, § 7-4.

**Sec. 8-10. Owner to maintain premises free of litter.**

The owner or person in control of any private property shall at all times maintain the premises free of litter.

(Code 1976, § 8-5010)

**Sec. 8-11. Litter on vacant lots.**

No person shall throw or deposit litter on any open or vacant private property whether or not owned by such person.

(Code 1976, § 8-5011)

**Sec. 8-12. Abandoning or discarding iceboxes or other airtight containers.**

(a) It shall be unlawful for any person to leave outside of any building in a place accessible to children, any abandoned, unattended or discarded icebox, 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 thereof.

(b) It shall be unlawful for any person to leave outside of any building 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 such snap lock, or door therefrom.

(Code 1976, § 11-2001)

**State law reference**—Abandoned airtight containers, R.S. 14-324.

**Sec. 8-13. Vegetation—Noxious weeds prohibited; declaration of nuisance.**

(a) No person owning or occupying any property within the municipality shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of twelve (12) inches or to

throw off any unpleasant or noxious odor or to conceal any filthy deposit or to create or produce pollen.

(b) Any grass, weeds or other vegetation growing upon any premises in the municipality in violation of any of the provisions of this section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the municipality.

(Code 1976, § 8-2001)

Cross reference—Weeds constituting fire hazard, § 7-4.

**Sec. 8-14. Same—Encroachment upon adjoining properties; interference with traffic.**

(a) No person owning or occupying any property within the municipality shall permit any trees, hedges, bushes or shrubbery, of whatsoever kind or nature, to grow or remain upon such premises, or in the area between the sidewalk and curb abutting such premises so as to encroach upon the adjoining sidewalks, streets, highways or alleys in such manner as to interfere with pedestrians or vehicular traffic lawfully using such sidewalks, streets, highways or alleys, or in such manner as to restrict the clear view of vehicular traffic using such streets, highways or alleys.

(b) Any trees, hedges, bushes or shrubbery growing upon any premises in the municipality or in the area between any sidewalk and curb abutting any such premises, in violation of any of the provisions of this section is hereby declared to be a nuisance and detrimental to the health, welfare and safety of the inhabitants of the municipality. (Code 1976, § 8-2002)

**Sec. 8-15. Same—Cutting grass on premises; owner's or occupant's duty.**

The owner of any premises, as to vacant premises or premises occupied by the owner, and the occupant thereof, in case of premises occupied by other than the owner thereof, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of section 8-13.

(Code 1976, § 8-2003)

Cross reference—Prevention of grass fires by commercial enterprises, § 7-4.

**Sec. 8-16. Same—Clearing bushes from premises.**

The owner of any premises, as to vacant premises or premises occupied by the owner, and the occupant thereof, in case of premises occupied by other than the owner thereof, shall remove, trim or cut all trees, hedges, bushes or shrubbery, of whatsoever kind or nature, growing or remaining upon such premises, or in the area between the sidewalk and the curb abutting such premises, in violation of the provisions of the section 8-14.

(Code 1976, § 8-2004)

**Sec. 8-17. Same—Enforcement; notice to cut or clear.**

(a) In the event any owner of property shall fail or neglect to comply with the provisions of sections 8-13 through 8-16, the mayor is hereby authorized, empowered and directed to cause such premises to be cleaned by cutting, destroying or removing such noxious weeds, grass or other deleterious, unhealthful or noxious growths or accumulations thereon and/or the sidewalks or banquette abutting the same, and assess the cost thereof against such owner by preparing a notice containing a statement of facts, giving a description of the property and the cost of the work, which notice the mayor shall cause to be filed and recorded in the mortgage records of the parish, and, when so filed and recorded, the notice shall constitute a lien upon the property prior in rank to mortgages, vendor's privileges and all other liens except taxes.

(b) In the event the owners fail to pay the cost incurred by the municipality as shown by the notice provided for in subsection (a) hereof within ten (10) days from the date of filing thereof, in the mortgage records of the parish, the mayor is fully authorized, empowered and directed to take the necessary steps in court incidental to the collection of the expense incurred by the municipality as shown in the notice.

(Code 1976, § 8-2005)

**Sec. 8-18. Handbills.**

(a) *Dropping handbills:* It shall be unlawful for any person to deposit, place, throw, scatter, drop or cast any handbill, poster, dodger or advertising

matter of any kind on any street, sidewalk, alley, wharf, levee or other public place, or in the yard of any private residence or other private property.

(b) *Distribution on vacant premises:* It shall be unlawful for any person to distribute, deposit, place, throw, scatter, drop or cast any handbill, poster, dodger or advertising matter of any kind in or upon any private residence which is temporarily or continuously uninhabited or vacant.

(c) *Distribution on inhabited private premises:* It shall be unlawful for any person to distribute any handbill, poster, dodger or advertising matter of any kind in or upon any private residence which is inhabited, except by handing or transmitting such matter directly to the occupant, or other person then present upon such premises; provided, however, that unless requested by anyone upon such premises not to do so, a person distributing such matter may place or deposit it in or upon such premises, if placed or deposited so as to secure and to prevent it from being blown or drifted about, except that mailboxes may not be so used when prohibited by federal postal laws and regulations.

(d) *Placing in vehicles:* It shall be unlawful for any person to distribute, deposit, place, throw, scatter, drop or cast any handbill, poster, dodger, or advertising matter of any kind in or upon any automobile or other vehicle. The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any such matter to the owner or other occupant of any automobile or other vehicle who is willing to accept the same.

(e) *Names and addresses required:* It shall be unlawful for any person to distribute, place, hand out or circulate any handbill, poster, dodger or advertising matter of any kind which does not contain the name and address of the following:

- (1) The person who printed, wrote, compiled or manufactured the same, and
- (2) The person who caused the same to be distributed; provided however, that in the case of a corporation, club, or other fictitious person, in addition to such fictitious name, the true names and addresses of the owners, managers or agents of the person sponsoring such matter shall also appear thereon.

(f) *Attachment to poles and other objects:* It shall be unlawful for any person to paste, post, nail or attach in any other manner any handbill, dodger, sign, card, placard or advertisement of any kind, business or political, to any pole, post or object on any public street, alley, sidewalk, or other public way; it shall further be unlawful to suspend or erect any banner, placard or advertisement of any kind over or across any public street, alley, sidewalk or other public way.

(g) *Agents, employees or servants:* Whenever paragraphs (a), (b), (c), (d), (e), or (f) of this section shall be violated by any person through an agent, employee or servant, both the employer and the agent, employee or servant shall be guilty of the offense. (Code 1976, § 11-2003)

#### Sec. 8-19. Burning trash, etc., on streets.

It shall be unlawful for any person to burn any trash, garbage or other substance on or in any public street, alley, park or place within the limits of the municipality.

(Code 1976, § 5-1014)

Cross reference—Open burning, § 7-2 et seq.

#### Secs. 8-20—8-29. Reserved.

### ARTICLE II. ABANDONED VEHICLES AND OTHER JUNK\*

#### Sec. 8-30. Definitions.

As used in this article, the following terms shall have the respective meanings ascribed to them:

*Abandoned major appliance:* Any junk or discarded or abandoned refrigerator, freezer, range, machinery or other metal, tin, or other discarded item which is not operable or in use, and which is located on any vacant lot, or any unused portion of any occupied lot, neutral ground, highway, road, street or sidewalk.

*Junked, wrecked or abandoned motor vehicle:* Any motor vehicle, or any part thereof, which is inoperable, which has been left unattended for a

\*Cross reference—Abandoning or discarding airtight containers, § 8-12.

State law reference—Authority, R.S. 33:4876.



period of five (5) days or longer on any vacant lot, or any unused portion of any occupied lot, neutral ground, highway, road, street or sidewalk and is so damaged or dismantled as to be a total loss.

*Total loss:* The cost to repair such damaged or dismantled motor vehicle or part exceeds the junk value, as determined by any recognized national vehicle appraisal book.

**Sec. 8-31. Forfeiture of items to public.**

The ownership of any junked, wrecked or abandoned motor vehicle, or any part thereof, or any other junk or discarded or abandoned major appliance, such as refrigerator, freezer, range or machinery or other metal, tin or other discarded item which is abandoned or left on any vacant lot, or any unused portion of any occupied lot, neutral ground, highway, road, street or sidewalk within the city and which is not operable or in use shall be forfeited to the public, and shall be considered public property and disposed of as hereinafter set forth.

**Sec. 8-32. Removal of items by municipality—Required.**

The municipality shall remove or cause to be removed from any vacant lot or any unused portion of any occupied lot, highway, sidewalk, road or neutral ground in the city, any junked, wrecked or abandoned motor vehicles, or any part thereof, and any other junk or discarded or abandoned major appliance, such as refrigerators, freezers, ranges or machinery or any other metal, tin or discarded items, all in accordance with this article.

**Sec. 8-33. Same—Prior notices to owners.**

(a) *Motor vehicles:* Prior to the removal of any such junked, wrecked or abandoned motor vehicle, the municipality shall have placed on such motor vehicle or given to the owner, if known, a notice of removal, not less than ten (10) days prior to its removal. The notice shall state that such junked motor vehicle, unless claimed and removed within ten (10) days from the public ways or private property described above, shall be considered as public property and removed from the public

ways or private property on which it is located and disposed of or sold for junk. The notice shall further state the following:

- (1) The date the notice was placed on the junked vehicle or given to the owner.
- (2) The date the ten (10) days' notice will expire.
- (3) That any person claiming to have an interest in the vehicle should contact the municipality.

(b) *Appliances:* Prior to the removal of any other junk or discarded or abandoned major appliance, the municipality shall give notice to the owner of the lot or parcel of ground on which the junk material is located, as shown on the last assessment role of the city, not less than ten (10) days prior to its removal. The notice shall state that the junked material, unless claimed and removed within ten (10) days prior to its removal. The notice shall state that such junked motor vehicle, unless claimed and removed within ten (10) days from the public ways or private property described above, shall be considered public property and removed from the lot or parcel of ground upon which it is located and disposed of or sold for junk. The notice shall further state the following:

- (1) The date the notice was given to the owner of the lot or parcel of ground upon which the junked material is located.
- (2) The date the ten (10) days' notice will expire.
- (3) That any person claiming to have an interest in the junked material should contact the municipality.
- (4) That the cost of removing said material shall constitute a special lien on the real estate, collectible in the same manner as special assessments are collectible by law.

**Sec. 8-34. Same—Performance of work; motor vehicle report.**

(a) The municipality, after the time provided hereinabove for notice has expired, shall remove or cause to be removed the junked, wrecked or abandoned motor vehicle, or any part thereof, or the junk or discarded or abandoned major appliance from any vacant lot, or any unused portion

of any occupied lot, neutral ground, street or sidewalk, where the same is located and shall dispose of the same or convey same to a scrap iron or junk dealer.

(b) A report shall be furnished to the director of the motor vehicle division of the state department of public safety, each month, with the following information:

- (1) The location of the junked, wrecked or abandoned motor vehicle.
- (2) All identification information available.
- (3) The date of the sale and the name and address of the scrap iron or junk dealer to which the junked, wrecked or abandoned motor vehicle, or any part thereof, was conveyed.

**Sec. 8-35. Same—Collection of cost.**

The owner of any junked, wrecked or abandoned motor vehicle, or any part thereof, or any other junk or discarded or abandoned major appliance, removed from any vacant lot, or any unused portion of any occupied lot, neutral ground, street or sidewalk, in accordance with this article, shall pay for the cost of such removal provided herein, but not exceeding two hundred dollars (\$200.00), and the cost of removing the material shall constitute a special lien collectible in the same manner as special assessments are collectible according to law.

**Sec. 8-36. Same—Records.**

A complete record shall be kept of all junked, wrecked or abandoned motor vehicles, or any part thereof, and of any other junk or discarded or abandoned major appliance removed from any vacant lot, or any unused portion of any occupied lot, neutral ground, street or sidewalk, with the details as to the date of the notice required by this article, the date of removal of the object, and the name and address of the scrap iron or junk dealer to which the material was conveyed.

**Secs. 8-37—8-39. Reserved.**

**ARTICLE III. COLLECTION AND DISPOSAL SERVICE**

**Sec. 8-40. Definition.**

For the purpose of this chapter, "garbage" shall mean all putrescible wastes, including animal and vegetable matter and recognizable industrial by-products, but excluding sewage, human wastes, dirt and rocks.

(Code 1976, § 8-1001(a))

**Sec. 8-41. Containers; bundling.**

(a) The municipality shall provide garbage collection service if the garbage is stored for collection as hereinafter set forth. In the event the garbage is not stored for collection as hereinafter set forth, the municipality may refuse to collect same until garbage is stored as herein provided. All garbage shall be stored for collection in plastic bags and tied securely at the opening thereof. The plastic bags may be placed in garbage cans or containers of not more than fifty-five (55) gallon capacity. All cardboard and pasteboard boxes and containers shall be cut into flat sections and tied in bundles or not greater than thirty-five (35) pounds.

(b) Containers shall be made of galvanized iron, plastic, rubber or other nonrusting material with handles or bails and a tight-fitting cover made of the same material as the container. Containers shall be watertight. All containers shall be cleaned at reasonable intervals.

(Code 1976, § 8-1001(b), (c); Ord. No. 479, 2-1-88)

**Sec. 8-42. Front yard collection of refuse.**

(a) All garbage must be stored in plastic bags and tied securely at the opening thereof and may be placed adjacent to the street or sidewalk in containers of not more than fifty-five (55) gallon capacity. Such containers will be emptied by the municipality and left adjacent to the street or sidewalk. The municipality may refuse collection of garbage not stored in plastic bags and tied securely at the top. All cardboard and pasteboard boxes and containers shall be cut into flat sections and tied in bundles of not greater than thirty-five (35) pounds.

(b) All tree limbs and similar cuttings that cannot be placed in garbage containers or bags shall be cut into lengths of five (5) feet or less and stacked adjacent to the street or sidewalk.

(c) All grass shall be stored in plastic bags and placed adjacent to the street or sidewalk.  
(Code 1976, § 8-1002; Ord. No. 479, 2-1-88)

**Sec. 8-43. Burial of refuse.**

No trash or garbage shall be buried unless a permit therefor has been granted by the mayor.  
(Code 1976, § 8-1003)

**Sec. 8-44. Interference with containers.**

No person shall interfere with garbage bags or other containers, or their contents except the owner or with the permission of the owner.  
(Code 1976, § 8-1005)







Chapter 9

**HEALTH AND SANITATION\***

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\*Cross references—Municipal refuse collection, § 8-40 et seq.; sewer regulations, § 10-40 et seq.  
State law reference—As to state sanitary code, see R.S. 40:4.





**Sec. 9-1. Electric fences.**

All persons are hereby prohibited from constructing, building or having fences within the municipality, such fences being charged with electricity. (Code 1976, § 11-2009)

**Sec. 9-2. Unnecessary noise—Prohibitions.**

(a) *Unnecessary noise 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 of unnecessary noise:* The following acts, among others, are declared to be loud, disturbing and unnecessary noises and noises in violation of this section, but this enumeration shall not be deemed to be exclusive:

- (1) *Horns or signal devices:* The sounding of any horn or signal device on any automobile, motorcycle, bus, 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; the creation by means of any such signal device of any noise for any unreasonable period of time.
- (2) *Radio, phonograph or any musical instrument:* The playing of any radio, phonograph or any 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, 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, or other vehicle so out of repair or loaded in such 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, or 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 week days, except in case of urgent necessity, in the interest of public health and safety, and then only with a permit from the maintenance superintendent and/or chief of police, which permit may be granted for a period not to exceed thirty (30) days while the emergency continues. If the maintenance superintendent and/or chief of police 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, such officer 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 are 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:* The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.
  - (12) *Loudspeakers on trucks:* The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.
  - (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 amplifying sound from any radio or phonograph, or any sound-reproducing device.
  - (14) *Hawkers, peddlers and 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 hereof 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 renders it impractical or impossible to perform such work during the day.

- (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 chief of police.

(Code 1976, § 11-2007)

### Sec. 9-3. Same—Tests and standards.

(a) *Factors to consider:* The standards which shall be considered in determining whether a violation of section 9-2 exists shall include but shall not be limited to the following:

- (1) The volume of the noise.
- (2) The intensity of the noise.
- (3) Whether the nature of the noise is usual or unusual.
- (4) Whether the origin of the noise is natural or unnatural.
- (5) The volume and intensity of the background noise, if any.
- (6) The proximity of the noise to residential sleeping facilities.
- (7) The nature and zoning of the area within which the noise emanates.
- (8) The density of inhabitation of the area within which the noise emanates.
- (9) The time of the day or night the noise occurs.
- (10) The duration of the noise.
- (11) Whether the noise is recurrent, intermittent or constant.
- (12) Whether the noise is produced by a commercial or noncommercial activity.

(b) *Tables.*

**TABLE I—LIMITING NOISE LEVELS FOR USE DISTRICTS**

Octave band Center frequency Cycles Per Second	Maximum Permissible Sound Pressure (Levels in Decibels re 0.0002 Microbars)		
	<i>Residential</i>	<i>Use District Commercial</i>	<i>Manufacturing</i>
Below 75			
75—150	65	79	80
150—300	60	74	75
300—600	55	66	70
600—1200	55	59	64
1200—2400	45	53	58
2400—4800	45	47	53
Above 4800	40	41	49

If the noise is not smooth and continuous, one or more of the corrections in Table II below shall be added to or subtracted from each of the decibel levels given in Table I.

**TABLE II—TYPE OF OPERATION IN CHARACTER OF NOISE (Correction in Decibels)**

- Noise source operated less than 20% of any one-hour period; plus 5\*.
- Noise source operated less than 5% of any one-hour period; plus 10\*.
- Noise source operated less than 1% of any one-hour period; plus 15\*.
- Noise of impulsive character (hammering, etc.): minus 5.
- Noise of periodic character (hum, screech, etc.): minus 5.

\*Apply one of these corrections only.

If the noise occurs between the hours of 10:00 p.m.—7:00 a.m. on Monday through Saturday or at any time on Sunday or holidays, seven (7) shall be subtracted from each of the decibel levels given in Table I.

Motorized vehicles. It shall be unlawful to operate a motorized vehicle within the city limits which creates a noise or sound which exceeds the noise level limits set out in Table III below.

**TABLE III—LIMITING NOISE LEVELS FROM VEHICLES**

(a) *Trucks and buses:*

Over 10,000 pounds:

- 93 dB(A) measured at 25 feet—Maximum allowable limit
- 97 dB(A) measured at 50 feet—Maximum allowable limit

Under 10,000 pounds:

- 80 dB(A) measured at 50 feet—Maximum allowable limit
- 86 dB(A) measured at 25 feet—Maximum allowable limit

(b) *Passenger cars:*

- 78 dB(A) measured at 50 feet—Maximum allowable limit
- 84 dB(A) measured at 25 feet—Maximum allowable limit

(c) *Motorcycles, including other vehicles:*

- 87 dB(A) measured at 50 feet—Maximum allowable limit
- 93 dB(A) measured at 25 feet—Maximum allowable limit.

**Sec. 9-4. Septic tanks, jacked up buildings, etc., regulated for safety of children.**

(a) No septic tank or similar tank containing water and which would constitute a safety hazard to children shall be left uncovered.

(b) No automobile or truck or building shall be jacked up or suspended and left unattended, so as to constitute a safety hazard for children.  
(Code 1976, § 11-2014)

Cross reference—Fence around swimming pools, § 4-86.

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Chapter 10

**MUNICIPAL UTILITIES\***

- Art. I. In General, §§ 10-1—10-19**
- Art. II. Water, §§ 10-20—10-39**
- Art. III. Sewers, §§ 10-40—10-47**

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\***Cross reference**—Municipal refuse collection, § 8-40 et seq.





**ARTICLE I. IN GENERAL**

**Secs. 10-1–10-19. Reserved.**

**ARTICLE II. WATER****Sec. 10-20. Department—Creation; purpose.**

A water department is created and established for the municipality. The department is responsible for the management, maintenance, care and operation of the water supply and distribution system of the municipality.  
(Code 1976, § 7-1001)

**Sec. 10-21. Same—Administration.**

Subject to the general control and direction of the mayor and governing body the department shall be administered by the maintenance superintendent who shall manage the municipal waterworks and shall perform all acts necessary for the prudent, efficient and economical management of the municipality's water supply and distribution system.  
(Code 1976, § 7-1002)

**Sec. 10-22. Turning on water.**

(a) No water from the municipal water supply shall be turned on for service into any premises by any person but the maintenance superintendent or some person authorized by such officer to perform this service.

(b) Where water has been cut off or disconnected for nonpayment of a bill, the charge to turn the water on shall be as fixed from time to time by the governing body.  
(Code 1976, § 7-1011)

**Sec. 10-23. Application.**

Application to have water turned on shall be made in writing to the municipal clerk.  
(Code 1976, § 7-1012)

**Sec. 10-24. Deposit.**

A deposit, the amount of which shall be determined from time to time by the governing body, shall be made with each such application, this

sum to be retained by the municipality, to insure payment of all bills. When service to the applicant is discontinued permanently this deposit, less any amount still due the municipality for water service, shall be refunded without interest.  
(Code 1976, § 7-1013)

**Sec. 10-25. Plumbing.**

No water shall be turned on for service in premises in which the plumbing does not comply with the ordinances of the municipality; provided, that water may be turned on for construction work in unfinished buildings, subject to the provisions of this article.  
(Code 1976, § 7-1014)

**Sec. 10-26. Service installation; fee; resale; tampering.**

(a) No connection with a water main shall be made without a permit being issued and twenty-four (24) hours' notice having been given to the maintenance superintendent. All such connections shall be made and all such work done at the expense of the applicant who shall also furnish materials necessary for such work; all such connections shall be made under the supervision of the superintendent and no connections shall be covered until the work has been inspected by such officer. Applications for such connections must be made to the clerk of the water department and a fee as fixed from time to time by the governing body shall be paid for each connection.

(b) No water shall be resold or distributed by the recipient thereof from the municipal water supply to any premises other than that for which application has been made and the meter installed, except in case of emergency.

(c) It shall be unlawful for any person not authorized by the municipality to tamper with or alter any part of the municipal waterworks or supply system, or any meter.  
(Code 1976, § 7-1015)

**Sec. 10-27. Service pipes.**

(a) *Installation:* All service pipes from the mains to the premises served shall be installed by, and at the cost of, the owner of the property to be

served or the applicant for the service. Such installation shall be under the inspection of the building inspector.

(b) *Repairs:* All repairs for service pipes and plumbing systems of buildings shall be made by and at the expense of the owners of the premises served. The municipality may in case of an emergency, repair any service pipes and if this is done the cost of such repair work shall be repaid to the municipality by the owner of the premises served.

(c) *Excavations:* Excavations for installing service pipes or repairing the same shall be made in compliance with provisions relating to making excavations in streets; provided, that it shall be unlawful to place any service pipe in the same excavation with, or directly over, any drain pipe or sewer pipe.

(Code 1976, § 7-1016)

*Cross reference—*For such regulations, see § 14-20 et seq.

**Sec. 10-28. Meters.**

(a) All premises using the municipal water supply must be equipped with an adequate water meter furnished by the municipality; provided, that such water service may be supplied by the municipality at a flat rate of charge until such meter may be installed. Before any premises are occupied a water meter shall be installed therein as herein required or application made for such water service at the flat rate of charge until the meter can be installed or no water shall be furnished such premises.

(b) Meters shall be installed in a location that will be easy of access.

(c) The maintenance superintendent shall read or cause to be read every water meter used in the municipality at such times as are necessary that the bills may be sent out at the proper time.

(d) Any municipal water meter shall be taken out and tested upon complaint of the consumer.

(Code 1976, § 7-1017)

**Sec. 10-29. Rates; collection.**

(a) All property upon which any building has been or may hereafter be erected having a connection with any mains or pipes which may be

hereafter constructed and used in connection with the municipality water system shall pay the rates as may from time to time be fixed by the governing body and of record at the office of the clerk of the water department. The minimum monthly rate shall be as fixed from time to time by the governing body.

(b) Bills for water used shall be dated and sent out at such times as may be directed by the mayor.

(c) During the construction of any building and before any water is installed as is herein provided the contractor so constructing such building may be permitted to use the municipal water supply by making application therefor, and paying the flat fee prescribed by the governing body.

(d) The water supply may be shut off from any premises for which the water bill remains unpaid for a period of twenty (20) days after the bill is rendered and mailed. When shut off, water shall not be turned on except upon the payment of the fee specified in section 10-22(b).

(e) Charges for water shall be a lien upon the premises. If the consumer of water whose bill is unpaid is not the owner of the premises, and the municipal clerk has notice of this, then notice shall be mailed to the owner of the premises, if such owner's address is known to the clerk, whenever such bill remains unpaid for a period of sixty (60) days after it has been rendered.

(f) Property subject to a lien for unpaid water charges shall be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay the charges, after deducting costs, as in the case of the foreclosure of statutory liens. Such foreclosure shall be by bill in equity in the name of the municipality. The municipality attorney is hereby authorized and directed to institute such proceedings, in the name of the municipality, in any court having jurisdiction over such matters, against any property for which water bill has remained unpaid sixty (60) days after it has been rendered.

(Code 1976, § 7-1018)

**Sec. 10-30. Turning off water.**

It shall be unlawful for any person to turn off any water flowing in any main or pipe line owned

or operated by the municipality unless the person shall have first obtained the permission of the governing body or its designee.  
(Code 1976, § 7-1019)

**Secs. 10-31—10-39. Reserved.**

### ARTICLE III. SEWERS

#### **Sec. 10-40. Oak Grove Sewerage District Number One—Established.**

There hereby is created, pursuant to the laws of the state, particularly R.S. 33:3911 et seq., a sewerage district within the territorial limits of the municipality to be designated as Oak Grove Sewerage District No. 1.  
(Code 1976, § 7-2011)

#### **Sec. 10-41. Same—Boundaries.**

Oak Grove Sewerage District No. 1 shall embrace the territory included within the territorial limits of the municipality.  
(Code 1976, § 7-2012)

#### **Sec. 10-42. Same—Establishing user charges.**

The governing body of the municipality acting as the governing body of Sewerage District No. 1, is hereby authorized to, from time to time, by resolution, establish reasonable user charges for connection to the sewerage lines of Sewerage District No. 1 and for the inspection of such connections, and to provide for the collection of such charges.  
(Code 1976, § 7-2013)

#### **Sec. 10-43. Same—Constitutes a political subdivision.**

Oak Grove Sewerage District No. 1 shall be a political subdivision of the state pursuant to law, and such district shall have and possess such powers, authority, rights and privileges incident to the creation, maintenance and operation of such political subdivision, especially the authority, power, right and privilege of levying and collecting an annual tax for the maintenance of the district as provided in R.S. 33:3912.  
(Code 1976, § 7-2014)

#### **Sec. 10-44. Same—Mobile homes; connection to sewerage system; permit required.**

(a) All persons desiring to connect the self-contained sewage disposal systems of trailer houses or mobile homes to an existing connection to the sewer system of Sewerage District No. 1, must first obtain a permit from the chief of police and/or maintenance superintendent which permit shall only be issued after the party desiring to connect to the municipal sewer system has deposited the sum of twenty dollars (\$20.00) to cover any contingent indebtedness arising by virtue of municipal taxes or otherwise in favor of the municipality.

(b) After the connection between the sewer system of the house trailer or mobile home and the sewer system is made, it shall be inspected and approved by the maintenance superintendent and/or the chief of police or a designated agent, before the same is utilized. A fee of five dollars (\$5.00) for such inspection is hereby established, to be paid to the municipality.

(c) Any person desiring to disconnect a house trailer or mobile home previously connected to the sewer system shall request an inspection of such disconnection or by cut-out by the chief of police before the house trailer or mobile home is removed from the premises. A fee of five dollars (\$5.00) for the inspection of such cut-out or disconnection is hereby established to be paid to the municipality.

(d) After disconnection, certified to as having been properly made by the maintenance superintendent and/or the chief of police, the person depositing the money required by subsection (a) hereof may secure a refund of such deposit, less any amounts then due and owing to the municipality by virtue of taxes or other municipal charges.  
(Code 1976, § 7-2015)

#### **Sec. 10-45. Approved tapping saddle required.**

All connections made to the municipal sewer system shall utilize a tapping saddle approved by the person designated as municipal sewer inspec-

tor, and all such connections shall be inspected by the sewer inspector prior to being covered by the owner or contractor.

(Code 1976, § 7-2001; Ord. No. 440, 2-5-79)

**Sec. 10-46. Upkeep and maintenance of private lines connecting to the town's sewer and water systems.**

The superintendent and other duly authorized employees of the town shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, testing and inspecting private service pipes and lines connected to the town's systems. The Town of Oak Grove is authorized to conduct such smoke tests and other appropriate testing in order to find leaks in all service pipes and lines, including private lines connecting to the town's systems.

(Ord. No. 574, 10-13-09)

**Sec. 10-47. Notification and repair.**

Upon discovery of a leak, seepage, crack or hole in the service line and pipes upon a customer's property, the town shall notify the resident and/or owner of said property in writing of the existence of said leak, seepage, cracks or hole. The resident and/or owner shall have thirty (30) days from the date of the written letter notifying said customer of the problem to repair, replace, and maintain said lines. Upon the failure of the resident and/or owner within thirty (30) days from the date of the written notice to repair, replace, and maintain the lines to the superintendent's satisfaction, the town may disconnect or order disconnection of all water and sewer services to the premises.

In the event the water service is disconnected or ordered disconnected for any violation as specified above, upon the resident and/or owner making the repairs necessary, the water service to said property shall be reconnected upon the payment of a reconnect fee in the amount of ten dollars (\$10.00).

(Ord. No. 574, 10-13-09)





Chapter 11

**OCCUPATIONAL LICENSES, TAXES AND REGULATIONS\***

- Art. I. In General, §§ 11-1—11-19  
Art. II. Alcoholic Beverages, §§ 11-20—11-40  
Art. III. Cable Operations, § 11-41

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\*Cross references—Creation of noise by peddlers, § 9-2(b)(14); placing goods on sidewalks, § 14-3 et seq.





**ARTICLE I. IN GENERAL**

**Sec. 11-1. Annual license tax.**

There is hereby levied an occupational license tax for the year 2002 and for each subsequent year, upon each person pursuing and conducting any business, trade, calling, profession or vocation, within the corporate limits of the Town of Oak Grove, subject to license under the Louisiana Constitution and laws of this state. (Code 1976, § 10-1002; Ord. No. 474, § 1, 4-6-87; Ord. No. 548, § 1, 11-13-01)

**Editor's note**—Ord. No. 548, § 1, adopted Nov. 13, 2001, amended § 11-1 title to read as herein set out. Former § 11-1 title pertained to similar subject matter.

**Sec. 11-2. Adoption of state laws.**

The amount of license tax levied in each case is hereby fixed, determined and ordained to be the same as that fixed, levied and collectable by the governing authority under, and shall be granted in accordance with, the provision of R.S. Title 47, Chapter 3, both inclusive, as amended, and all other applicable laws, all of which for the purposes of this article are made a part hereof by reference as if written herein in extenso. (Code 1976, § 10-1003; Ord. No. 474, § 2, 4-6-87; Ord. No. 548, § 2, 11-13-01)

**Sec. 11-3. Insurance business license.**

Each life, accident, health, fire, marine, guaranty, surety, indemnity, fidelity, workers' compensation, property damage, livestock, tornado, automobile, automatic sprinkler or burglary insurance company, society, association, corporation, firm or individual doing and conducting an insurance business of any kind in the municipality, shall pay a separate and distinct license on such business for each company represented and such licenses shall be based on the gross annual amount of premiums, as follows:

- (1) Any company, society, association, firm or individual engaged in the business of issuing life or accident or health insurance policies or other forms of contracts or obligations covering such risks, or issuing endowment or annuity policies, or contracts, or other similar forms of contract obligations in consideration of the pay-

ment of a premium or other consideration for the issuance of such policies, contracts, or obligations, whether such insurance company, society, association, corporation, firm or individual be domiciled in this state or operating therein through an agent or other representative, shall be \$10.00 on gross annual premiums up to \$2,000.00 and the additional license thereafter shall be \$70.00 on each \$10,000.00 or fraction thereof, of gross annual premiums in excess of \$2,000.00. Provided that the maximum license on such business shall not exceed \$21,000.00.

- (2) Any company, society, association, corporation, firm or individual, engaged in the business of issuing policies, contracts, or other forms of obligations covering the risk of fire, or marine, or river insurance, or surety, or fidelity, or indemnity, or guaranty, or workers' compensation, or employers' liability, or property damage, or livestock, or tornado, or automobile, or automatic sprinkler, or burglary, or insurance business of any other kind whatsoever in this state, whether such insurance company, society, association, corporation, firm or individual, be domiciled in this state or operating therein through agents or other representatives, shall be the following:

*1st class:* When the gross receipts are less than \$1,000.00, the license shall be \$10.00.

*2nd class:* When the gross receipts are \$1,000.00, and less than \$1,500.00, the license shall be \$15.00.

*3rd class:* When the gross receipts are more than \$1,500.00, and less than \$2,000.00, the license shall be \$40.00.

*4th class:* When the gross receipts are more than \$2,000.00, and less than \$3,000.00, the license shall be \$50.00.

*5th class:* When the gross receipts are more than \$3,000.00, and less than \$4,000.00, the license shall be \$60.00.

*6th class:* When the gross receipts are more than \$4,000.00, and less than \$6,000.00, the license shall be \$80.00.

*7th class:* When the gross receipts exceed \$6,000.00, the additional license thereafter shall be \$70.00.

(Code 1976, § 10-3001)

**State law reference**—Authority, R.S. 22:1076.

**Sec. 11-4. Chain store license tax.**

(a) There is hereby levied an annual license tax for each year upon each person in the business of operating or maintaining, as part of a group or chain, any store or stores within the municipality where goods, wares, merchandise, or commodities of every description whatsoever are sold or offered for sale at retail under the same general management, supervision, ownership and control, and who are commonly recognized as a member of a chain and as a branch store.

(b) The license tax for the business described in this section levied upon the stores operated within the municipality shall be based on the number of stores or merchandise establishments included under the same general management, supervision, ownership and control, whether or not within the municipality, and whether or not within the state. The license for each store or establishment shall be as follows:

<i>No. of stores in group at least</i>	<i>but not more than</i>	<i>License</i>
2	10	\$ 10
11	35	15
36	50	20
51	75	25
76	100	30
101	125	50
126	150	100
151	175	150
176	200	200
201	225	250
226	250	300
251	275	350
276	300	400
301	400	450
401	500	500
501 and over		550

The tax for any store opened after June thirtieth of any year shall not exceed one-half of the annual amount.

(c) The license shall be in addition to ad valorem taxes and any other licenses prescribed or authorized under the laws of this state and this Code.

(d) Every person engaged in business in the municipality shall on or before February first render to the clerk a report containing a true and complete statement showing the number of stores or establishments operated or maintained in the municipality and the name, location and street address of each store, the total number of such stores whether or not in the state, as of the report date. Whenever a new store is opened which is not included in the above-mentioned report, a supplemental report setting forth the required information shall be filed prior to the expiration of thirty (30) days after the date of opening.

(Code 1976, § 10-4004)

**State law reference**—Authority to levy chain store tax, R.S. 47:10.

**Sec. 11-5. Sales and use tax.**

The sales and use tax enacted by Ordinance Number 433, dated October 3, 1977, is hereby incorporated in and made a part hereof by reference as fully as if set out at length herein.

**Sec. 11-6. Peddlers.**

All peddlers, defined by R.S. Title 47, Section 359(C), shall obtain a license costing two hundred dollars (\$200.00).

(Ord. No. 548, § 3, 11-13-01)

**Sec. 11-7. Insurance premium taxation.**

There is hereby imposed and levied an annual license tax on any insurer engaged in the business of issuing any form of insurance policy or contract, which may now or hereafter be subject to the payment of any license tax for state purposes, all as authorized by R.S. Title 22, Section 1076 on risks located in this municipality as follows:

- (1) On any insurer engaged in the business of issuing life or accident or health insur-

ance policies, other than programs of benefits authorized or provided pursuant to the provisions of R.S. Title 42, Chapter 12, Parts I and II, or other forms of contracts or obligations covering such risks, or issuing endowment or annuity policies, or contracts, or other similar forms of contract obligations in consideration of the payment of a premium or other consideration for the issuance of such policies, contracts or obligations whether such insurer by operating in this state through an agent or other representative or otherwise:

- a. Ten dollars (\$10.00) on gross annual premiums up to two thousand dollars (\$2,000.00) and an additional license thereafter of seventy dollars (\$70.00) on each ten thousand dollars (\$10,000.00), or fraction thereof, of gross annual premiums in excess of two thousand dollars (\$2,000.00).
  - b. The maximum license on such businesses, payable to this municipality by any one (1) insurer shall be twenty-one thousand dollars (\$21,000.00).
- (2) On any insure, engaged in the business of issuing policies, contracts or other forms of obligations covering the risk of fire, marine, transportation, surety, fidelity, indemnity, guaranty, worker's compensation, employers' liability, property damage, live stock, vehicle, automatic sprinkler, burglary, or insurance business of any other kind whatsoever in this state, whether such insurer is operating in this state through agents or other representative or otherwise, not more than the following:
- a. *1st Class:* When the gross receipts are not more than two thousand dollars (\$2,000.00), the license shall be forty dollars (\$40.00);
  - b. *2nd Class:* When the gross receipts are more than two thousand dollars (\$2,000.00), and not more than four thousand dollars (\$4,000.00), the license shall be sixty dollars (\$60.00);
  - c. *3rd Class:* When the gross receipts are more than four thousand dollars (\$4,000.00), and not more than six thousand dollars (\$6,000.00), the license shall be eighty dollars (\$80.00);
  - d. *4th Class:* When the gross receipts exceed six thousand dollars (\$6,000.00), the additional license thereafter shall be seventy dollars (\$70.00) for each ten thousand dollars (\$10,000.00), or fraction thereof, in excess of six thousand dollars (\$6,000.00);
  - e. The maximum license tax on such businesses, payable to this municipality by any insurer shall be nine thousand dollars (\$9,000.00), provided that plate glass and steam boiler inspection insurers shall pay only one-third ( $\frac{1}{3}$ ) of the above rates provided in subsection (2).
- (3) The amount of license payable to this municipality as fixed by this section, shall be one-third ( $\frac{1}{3}$ ) of the amount so fixed if the payer shall file a sworn statement with the annual report required by R.S. Title 22, Chapter 1, Part XXIII, showing that at least one-sixth ( $\frac{1}{6}$ ) of the total admitted assets of the payer, are invested and maintained in qualifying Louisiana investments as defined in R.S. 22:1068(C).  
(Ord. No. 549, § 1, 11-13-01)

#### **Sec. 11-8. Penalty.**

All license taxes levied herein shall be due and payable on January 1st of each year and all unpaid license taxes shall become delinquent on June 1st. A penalty of five (5) percent per month shall be added to the amount of tax due and payable to this municipality along with the tax due. The amount of any monetary penalty assessed pursuant to this section shall not be greater than twenty-five (25) percent of the total amount of the tax due. The collection of delinquent accounts shall be enforced in accordance with R.S. 22:1076 and 47:1601.  
(Ord. No. 549, § 2, 11-13-01)

**Secs. 11-9—11-19. Reserved.**

**ARTICLE II. ALCOHOLIC BEVERAGES\***

**Sec. 11-20. Definitions.**

For the purposes of this article, the following terms have the respective meanings ascribed to them in this section, except in those instances where the context indicates a different meaning:

*Alcoholic beverage:* Any fluid or any solid capable of being converted into fluid, suitable for human consumption and containing more than one-half of one (1) percent alcohol by volume, including malt, vinous, spirituous, alcoholic or intoxicating liquors, beer, porter, ale, stout, fruit juices, cider or wine.

*Beverage of high alcoholic content:* Alcoholic beverage containing more than six (6) percent alcohol by volume.

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\***Cross references**—Effect of intoxication on responsibility for commission of a crime, § 12-25; possession or consumption in vehicle or in public place, § 12-47.

**Collector:** The commissioner of alcohol beverage control of the state, or such commissioner's duly authorized agents.

**Handle:** Sell, use, distribute, store, consume or otherwise handle.

**Malt beverage:** Beverage obtained by alcoholic fermentation or an infusion or concoction, or barley or other grain, malt, or hops in water, including, among other things, ale, beer, stout, porter, and the like.

**Package house:** A place where a person sells alcoholic beverages in closed containers, prepared for transportation and consumption off the premises.

**Retail dealer:** Any person who offers for sale, exposes for sale, has in such person's possession for sale or distribution, or sells alcoholic beverages of any quantity to persons other than licensed wholesale dealers.

**Wholesale dealer:** Any person who sells alcoholic beverages to licensed wholesale dealers or licensed retail dealers within the state or to any person for delivery beyond the borders of the state. (Code 1976, § 10-2001)

*State law reference*—Similar provisions, R.S. 26:241.

#### **Sec. 11-21. State and local permit required.**

No person shall do any act for which a permit is required by this chapter unless such person holds the proper state and local permit. Each day's business by a wholesaler or retailer without such a valid, unsuspended permit constitutes a separate violation of this chapter. (Code 1976, § 10-2004)

#### **Sec. 11-22. Proximity to churches, synagogues, libraries or schools.**

No permit shall be granted for any premises situated within three hundred (300) feet of a public playground or of a building used exclusively as a church or synagogue, public library, municipal playground or school. The measurement to be taken shall be as a person walks using the sidewalk from the nearest point of property line of the church, synagogue, municipal playground, public library, or school, to the nearest point of the

premises to be licensed as described in the application.

(Code 1976, § 10-2010)

*State law reference*—Authority, R.S. 26:81, 26:281.

#### **Sec. 11-23. Filing of applications.**

(a) All applications for permits for new businesses shall be filed with the governing body and shall be accompanied by a cashier's check or money order in the proper amount payable to the municipality.

(b) All applications for renewal of a license and permit shall be filed with the municipal clerk on or before the first day of November each year and the remittance must accompany the applications. (Code 1976, § 10-2006)

#### **Sec. 11-24. Applicants' qualifications.**

(a) Applicants for permits of all kinds shall meet the following qualifications and conditions:

- (1) Be a person of good character and reputation and over eighteen (18) years of age.
- (2) Be a citizen of the United States and of the state and a resident of the state continuously for a period of not less than two (2) years next preceding the date of the filing of the application.
- (3) Be the owner of the premises or have a bona fide written lease therefor.
- (4) Have not been convicted of a felony under the laws of the United States, this state or any other state.
- (5) Have not been convicted in this or any other state or by the United States of soliciting for prostitution, pandering, letting premises for prostitution, contributing to the delinquency of juveniles, keeping a disorderly place, or illegal dealing in narcotics.
- (6) Have not had revoked a license or permit to sell or deal in alcoholic beverages issued by the United States or any state for five (5) years prior to the application, or been convicted or had judgment against such applicant involving alcoholic beverages by this state or any other state or the United States for five (5) years prior to the application.

- (7) Have not been convicted of violating any of the provisions of the state laws regulating the sale of alcoholic beverages.
- (8) Have not been convicted of violation of the provisions of this chapter.
- (9) Not be the spouse of a person whose application has been denied or whose permit has been revoked, unless judicially separated or divorced.

(b) If the applicant is a partnership or anyone in partnership with or financed by another, all members of the partnership or all persons furnishing the money shall also possess all the qualifications required by the applicant. The application shall name all partners or financial backers and furnish their proper addresses.

(c) If the applicant is a corporation, all officers and directors and all stockholders owning in the aggregate more than five (5) percent of the stock and the persons who shall conduct or manage the business shall possess the qualifications required of an applicant. However, the requirement as to residency does not apply to officers, directors and stockholders of corporations.

(d) If the applicant's business is to be conducted wholly or partly by one or more managers, agents, servants, employees or other representatives, they shall also possess the qualifications required of the applicant.

(e) If the applicant, or any other person required to have the same qualifications, does not possess the required qualifications, the permit shall be denied.

(Code 1976, § 10-2009)

State law reference—Similar provisions, R.S. 26:80, 26:280.

**Sec. 11-25. Denial of permit for misstatement on application.**

Any misstatement or suppression of fact in an application or accompanying affidavit is a ground for denial of a permit.

(Code 1976, § 10-2011)

State law reference—Similar provisions, R.S. 26:84, 26:282.

**Sec. 11-26. Permits not assignable; duration of permit; display of permit.**

(a) Permits issued under this chapter are not assignable or heritable and are good only from the time of issuance to December thirty-first of the year for which issued, unless sooner suspended or revoked.

(b) Where the location of the business is changed, the change shall be noted on the permit by the issuing authority.

(c) The permit shall be prominently displayed by the licensee in licensee's place of business so as to be easily seen and read by the public.

(Code 1976, § 10-2005)

State law reference—Similar provisions, R.S. 26:76, 26:276.

**Sec. 11-27. Annual permit fees—High alcoholic content.**

There is hereby levied an annual permit fee for each year against all persons who may during the year, engage in the business of selling, either retail or wholesale, in the municipality, beverages of high alcoholic content, as follows:

- (1) Wholesale dealer . . . . . \$500.00
- (2) Retail dealer . . . . . 500.00

(Code 1976, § 10-2003)

State law reference—Amount limited, R.S. 26:74.

**Sec. 11-28. Same—Low alcoholic content.**

There is hereby levied an annual permit fee for each year against all persons who may during the year engage in the business of selling, either retail or wholesale, in the municipality, beverages of low alcoholic content, as follows:

- (1) Wholesale . . . . . \$75.00
- (2) Class A retail dealer (on-premises consumption) . . . . . 35.00
- (3) Class B retail dealer (off-premises consumption) . . . . . 25.00

(Code 1976, § 10-2002)

State law reference—Amounts limited, R.S. 26:274.

**Sec. 11-29. Proration of permit fee.**

In the event a business shall commence prior to July first of any year, a whole year's permit shall

be paid and collected. If such business shall commence subsequent to June thirtieth of any year, two-thirds of the annual permit fee shall be paid and collected.

(Code 1976, § 10-2007)

**Sec. 11-30. Failure to file renewal application for renewal.**

Should any retail dealer or wholesale dealer fail to file an application for renewal of the permit for any ensuing year on or before the first day of November of each year, a penalty shall be imposed of twenty-five (25) percent of the amount due for the permit applied for. If the application for the renewal of a permit is not filed, until, on or after January 1 of the year for which the permit is required, the application may be denied without notice or hearing and the applicant's right to do business suspended.

(Code 1976, § 10-2008)

*State law reference*—Delay in filing application, R.S. 26:79, 26:279.

**Sec. 11-31. Prohibitions on holder of retail dealer's permit.**

(a) No person holding a retail dealer's permit and no servant, agent, or employee of the permittee shall do, allow or permit to be done any of the following acts upon the licensed premises:

- (1) Sell or serve beverages of either low or high alcoholic content to any person under the minimum age provided by statute.
- (2) Sell or serve beverages of either low or high alcoholic content to any intoxicated person.
- (3) Intentionally entice, aid, or permit any person under the minimum age provided by statute to visit any place where alcoholic beverages are the principal commodity sold or given away.
- (4) Permit any prostitute to frequent the licensed premises, or to solicit patrons for prostitution on the licensed premises.
- (5) Intentionally conduct illegal gambling, as defined by law, on the premises described in the application for the permit.

(6) Employ or permit persons, commonly known as "B drinkers" to solicit patrons for drinks and to accept drinks from patrons and receive therefor any commission or any remuneration in any other way.

(7) Employ anyone under the minimum age provided by statute.

(8) Fail to keep the licensed premises well lighted and all outside windows and doors open to view from the sidewalk or outside.

(9) Permit the playing of pool or billiards by any person under the minimum age provided by statute, or permit such a person to frequent the licensed premises operating a pool or billiard hall.

(10) Permit any games of chance where money or anything of value is wagered on the licensed premises.

(11) Permit any dancing on the licensed premises.

(b) A violation of this section is punishable as provided in section 11-35 and is also sufficient cause for the suspension or revocation of a permit as provided by state laws.

(Code 1976, § 10-2012)

*State law reference*—Similar provisions, R.S. 26:90, 26:286.

**Sec. 11-32. Additional causes for denial of permit.**

In addition to any other causes enumerated in this chapter the municipality may deny any permit for any one (1) of the following causes:

- (1) If the holder of a permit to sell alcoholic beverages, or any of the persons who must possess the same qualifications fails to possess the qualifications required in section 11-24.
- (2) If the permit was granted to any person who is or has been engaged in an alcoholic beverage business with a person whose application for a permit has been denied or whose permit has been revoked.
- (3) If there was any misstatement or suppression of fact in the application for the permit.

- (4) If the holder of any permit has been convicted by any court of competent jurisdiction of any one (1) of the following offenses:
- a. Violation of the Sunday closing law;
  - b. Violation of any municipal or parish ordinance providing for Sunday closing hours.
- (5) If, without a proper license, a retailer allows any person to consume any alcoholic beverage on the licensed premises or on any parking lot or open or closed space within or contiguous to the licensed premises.
- (6) If any dealer or any person described in section 11-24(b) violates or has violated any provision of this chapter.
- (7) If any dealer fails to pay any excise taxes due by any regulated business to the state or to any parish or municipality.

(Code 1976, § 10-2013)

State law reference—Similar provisions, R.S. 26:91, 26:287.

**Sec. 11-33. Sales prohibited certain days and hours.**

No person holding a retail dealer's permit and no servant, agent or employee of the permittee, shall sell or serve any beverage of a low alcoholic content or of a high alcoholic content or any malt beverage as defined herein between the hours of midnight and 6:00 a.m. and/or between the days of Saturday at midnight and Monday at 6:00 a.m. (Code 1976, § 10-2014)

State law reference—Sale in violation of local ordinance, R.S. 26:494.

**Sec. 11-34. Separate tax for each place of business to which deliveries made; exception.**

Any retail liquor dealer making delivery of spirits, wine, beer, or other malt liquors, or any retail dealer in malt liquors making delivery of beer or other malt liquors, at places other than the place of business specified on the permit, except pursuant to prior specific orders therefor received at such place of business, is subject to separate tax as retail liquor dealer, or retail

dealer in fermented malt liquor, as the case may be, at such place where such sales are made. Each such dealer who has paid the tax at one place of business does not incur further tax for the sales of beer or other malt liquors to another such dealer holding a proper tax stamp if the sales are consummated at the place of business where the latter's tax stamp is held.

(Code 1976, § 10-2015)

**Sec. 11-35. Penalties for violation.**

Any person, firm, corporation, or association of persons convicted of violations of provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished as provided in section 1-8 and the conviction shall be grounds for revocation or suspension of a violator's permit, which permit may be revoked according to the laws of this state.

(Code 1976, § 10-2016)

**Secs. 11-36—11-40. Reserved.**

**ARTICLE III. CABLE OPERATIONS**

**Sec. 11-41. Regulation of cable operators.**

(a) The Town of Oak Grove, State of Louisiana, (hereinafter, "town") is a franchising authority with the legal authority to adopt, and the personnel to administer, regulations with respect to the rates and charges of any cable television system operating in the town including without limitation, the system currently being operated by Delta Cablevision, Inc. (hereinafter "company") pursuant to the cable franchise agreement.

(b) The town desires to regulate the basic service rates and charges of the company and other cable television systems operating in the town and shall do so in accordance with The Cable Consumer Protection and Competition Act 1992 and rules and regulations adopted pursuant thereto by the Federal Communications Commission (FCC) (which are included herein by reference) notwithstanding any consistent provisions in the franchise agreement. In connection with such regulation, the town will ensure a reasonable opportunity for consideration of the views of interested parties.



(c) The mayor of the town is authorized to execute on behalf of the town the FCC such certification and other forms as are required by the FCC rate regulations in order to enable the town to regulate rates and charges.

(Ord. No. 511, 11-9-93)







Chapter 12

**OFFENSES AND MISCELLANEOUS PROVISIONS\***

- Art. I. In General, §§ 12-1-12-19
- Art. II. Criminal Responsibility, §§ 12-20-12-39
- Art. III. Specific Crimes, §§ 12-40-12-89
- Art. IV. Housing Discrimination, §§ 12-90-12-110
- Art. V. Curfew Regulations, §§ 12-111-12-118

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\*Cross reference—Offenses in cemeteries, § 5-8.



## ARTICLE I. IN GENERAL

### Sec. 12-1. Definitions.

In this chapter the terms enumerated shall have the designated meanings:

*Another* refers to any person or legal entity, including the state or any subdivision thereof.

*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. It must be construed in the broad popular sense of the phrase, and not necessarily as synonymous with the traditional legal term "property."

*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.

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

*Municipality* means this municipality or any agency, board, commission, department or institution thereof.

*Person* includes a body of persons, whether incorporated or not.

*Property* refers to both public and private property, movable and immovable, and corporeal and incorporeal property.

*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, municipality, district, or other political subdivision thereof, or of any agency, board, commission, department or institution of the state, parish, municipality, district or other political subdivision.

*State* means this state or any parish, municipality, district, or other political subdivision thereof, or any agency, board, commission, department or institution of this state, parish, municipality, district or other political subdivision.

*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.  
(Code 1976, § 11-1001)

**Cross reference**—Definition of terms generally, § 1-2.

**State law reference**—Similar provisions, R.S. 14:2, 14:7.

### Sec. 12-2. Interpretation.

The sections of this chapter cannot be extended by analogy so as to create crimes 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 provision.  
(Code 1976, § 11-1002)

**State law reference**—Similar provisions, R.S. 14:3.

### Sec. 12-3. Civil remedies not affected.

Nothing in this chapter shall affect any civil remedy provided by the law pertaining to civil matters, or any legal power to inflict penalties for contempt.

(Code 1976, § 11-1003)

**State law reference**—Similar provisions, R.S. 14:6.

### Sec. 12-4. Crime defined; punishment.

(a) A crime is that conduct which is defined as criminal in this chapter.

(b) If punishment is not specifically provided for, it shall be as provided in section 1-8 of this Code.

(Code 1976, § 11-1004)

**Charter reference**—Punishment for violating ordinance, § 5-501.

### Secs. 12-5—12-19. Reserved.

## ARTICLE II. CRIMINAL RESPONSIBILITY

### Sec. 12-20. Criminal conduct.

Criminal conduct consists of:

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

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

(3) Criminal negligence that produces criminal consequences.

(Code 1976, § 11-1005)

State law reference—Similar provisions, R.S. 14:8.

#### Sec. 12-21. Criminal consequences.

Criminal consequences are any set of consequences prescribed in the various articles of this chapter as necessary to constitute any of the various crimes defined therein.

(Code 1976, § 11-1006)

State law reference—Similar provisions, R.S. 14:9.

#### Sec. 12-22. Criminal intent.

(a) The definitions of some crimes require a specific criminal intent, while in others no intent is required. Some crimes 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."

(b) 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 such offender's 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 reasonably certain to result from his act or failure to act.

(Code 1976, §§ 11-1007, 11-1008)

State law reference—Similar provisions, R.S. 14:10.

#### Sec. 12-23. Criminal negligence.

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 person under like circumstances.

(Code 1976, § 11-1009)

State law reference—Similar provisions, R.S. 14:12.

#### Sec. 12-24. Insanity.

If the circumstances indicate that because of a mental disease or a 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 criminal responsibility.

(Code 1976, § 11-1010)

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

#### Sec. 12-25. Effect of intoxication.

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

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

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

(Code 1976, § 11-1011)

State law reference—Similar provisions, R.S. 14:15.

#### Sec. 12-26. Mistake of fact.

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

(Code 1976, § 11-1012)

State law reference—Similar provisions, R.S. 14:16.

#### Sec. 12-27. Mistake of law.

Ignorance of the provision of this chapter is not a defense to any criminal prosecution. However, mistake of law which results in the lack of an



intention that consequences which are criminal shall follow, is a defense to a criminal prosecution under the following circumstances:

- (1) Where the offender reasonably relied on an act of this municipality in repealing an existing criminal provision, or in otherwise purporting to make the offender's conduct lawful; or
- (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.

(Code 1976, § 11-1013)

State law reference—Similar provisions, R.S. 14:17.

#### **Sec. 12-28. Justification; general provisions.**

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

- (1) When the offender's conduct is an apparently authorized and reasonable fulfillment of any duties of public office; or
- (2) When the offender's conduct is a reasonable accomplishment of an arrest which is lawful under the laws of the state or of this chapter; or
- (3) When for any reason the offender's conduct is authorized by law; or
- (4) When the offender's conduct is reasonable discipline of minors by their parents, tutors, or teachers; or
- (5) When the crime consists of a failure to perform an affirmative duty and the failure to perform is caused by physical impossibility; or
- (6) When any crime 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 crime were not committed; or

- (7) When the offender's conduct is in defense of persons or of property under any of the circumstances described in R.S. 14:19 through 14:22.

(Code 1976, § 11-1014)

State law reference—Similar provisions, R.S. 14:18.

#### **Sec. 12-29. Use of force or violence in defense.**

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.

(Code 1976, § 11-1015)

State law reference—Similar provisions, R.S. 14:19.

#### **Sec. 12-30. Aggressor cannot claim self-defense.**

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

(Code 1976, § 11-1016)

State law reference—Similar provisions, R.S. 14:21.

#### **Sec. 12-31. Defense of others.**

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

(Code 1976, § 11-1017)

State law reference—Similar provisions, R.S. 14:22.

#### **Sec. 12-32. Principals.**

All persons concerned in the commission of a crime, 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 crime, are principals.

(Code 1976, § 11-1018)

State law reference—Similar provisions, R.S. 14:24.

**Secs. 12-33—12-39. Reserved.**

### ARTICLE III. SPECIFIC CRIMES

#### Sec. 12-40. Attempt.

(a) It shall be unlawful to attempt to commit an offense. Any person, who, having a specific intent to commit a crime, does or omits an act for the purpose of and tending directly toward the accomplishing of such person's object is guilty of an attempt to commit the offense intended; and it shall be immaterial whether, under the circumstances, such person would have actually accomplished such person's purpose.

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

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

(d) Whosoever attempts to commit any crime shall be fined or confined, or both in the same manner as for the offense attempted; but such fine or confinement shall not exceed one-half of the largest fine or one-half of the longest confinement prescribed for the offense so attempted or both.

(Code 1976, § 11-1019)

State law reference—Similar provisions, R.S. 14:27.

#### Sec. 12-41. Assault defined.

Assault is an attempt to commit a battery, or the intentional placing of another in reasonable apprehension of receiving a battery.

(Code 1976, § 11-1023)

State law reference—Similar provisions, R.S. 14:36.

#### Sec. 12-42. Simple assault.

It shall be unlawful to commit a simple assault. Simple assault is an assault committed without a dangerous weapon.

(Code 1976, § 11-1025)

State law reference—Similar provisions, R.S. 14:38.

#### Sec. 12-43. Battery defined.

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.

(Code 1976, § 11-1020)

State law reference—Similar provisions, R.S. 14:33.

#### Sec. 12-44. Simple battery.

It shall be unlawful to commit a simple battery. Simple battery is a battery, without the consent of the victim, committed without a dangerous weapon.

(Code 1976, § 11-1022)

State law reference—Similar provisions, R.S. 14:35.

#### Sec. 12-45. Negligent injuring.

(a) Negligent injuring is the inflicting of any injury upon the person of another by criminal negligence.

(b) The violation of an ordinance shall be considered only as presumptive evidence of such negligence.

(Code 1976, § 11-1026)

State law reference—Similar provisions, R.S. 14:39.

#### Sec. 12-46. False imprisonment.

It shall be unlawful to commit false imprisonment. False imprisonment is the intentional confinement or detention of another, without such other person's consent and without proper legal authority.

(Code 1976, § 11-1027)

State law reference—Similar provisions, R.S. 14:46.

#### Sec. 12-47. Alcoholic beverage possession or consumption in motor vehicles or in public places.

(a) *Definition:* For the purposes of this section, the following terms shall have the respective meanings ascribed to them:

- (1) *Alcoholic beverages:* Beverages of high and low alcoholic content as defined in section 11-20.

- (2) *Private motor vehicle*: Any motorized vehicle, including motorized two- and three-wheel vehicles.
- (3) *Sidewalks, grounds, streets, parks, highways and parking lots*: Any public sidewalk, public grounds, public street, public park, public highway, or public parking lots within the municipality; any privately owned parking lot within the municipality wherein parking is allowed without charge; and public or private school parking lots, within the municipality.
- (4) *Open container*: Any container or receptacle containing an alcoholic beverage, wherein the seal or stamp has been broken, or any container, bottle or can containing an alcoholic beverage that has been opened subsequent to the filling of such container by the manufacturer, brewery or distillery of such alcoholic beverage. Alcoholic beverages contained in drinking glasses, cups, including plastic glasses and styrofoam cups, regardless of whether such container has a top affixed thereto, shall be deemed to be an open container.

(b) *In vehicle*: It shall be unlawful for any person to drink, consume or possess alcoholic beverages in an open container in any motor vehicle when such vehicle is upon the public sidewalks, grounds, streets, parks, highways and parking lots within the municipality.

(c) *In public place*: It shall be unlawful for any person to drink, consume or possess any alcoholic beverage in an open container on any public sidewalk, street, grounds, park, highway, or parking lot in the municipality.  
(Code 1976, § 11-1011A; Ord. No. 464, 10-7-85)

#### Sec. 12-48. Reckless operation of a vehicle.

It shall be unlawful to operate a vehicle recklessly. Reckless operation of a vehicle is the operation of any motor vehicle, aircraft, vessel or other means of conveyance in a criminally negligent or reckless manner.

(Code 1976, § 11-1058)

**Cross reference**—Intoxicants in cemeteries, § 5-9(e).  
**State law reference**—Similar provisions, R.S. 14:99.

#### Sec. 12-49. Hit and run driving.

(a) It shall be unlawful 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, to stop such vehicle at the scene of the accident, to give such driver's identity and to render reasonable aid.

(b) To give such driver's identity, for the purpose of this article, shall mean that the driver of any vehicle involved in any accident shall give such driver's name, address and the license number of such driver's vehicle, or shall report the accident to the police.

(Code 1976, § 11-1059)

**State law reference**—Similar provisions, R.S. 14:100.

#### Sec. 12-50. Criminal damage to property.

It shall be unlawful to commit criminal damage to property. Criminal damage to property is the intentional damaging of any property of another, without the consent of the owner.

(Code 1976, § 11-1028)

**State law reference**—Similar provisions, R.S. 14:56.

#### Sec. 12-51. Criminal mischief.

It shall be unlawful 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; or
- (2) Driving of any tack, nail, spike or metal over one and one-half (1½) 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; or
- (3) The felling, topping, or pruning of trees or shrubs within the right-of-way of a municipal street, without the prior written approval of the chief of police; or
- (4) Taking temporary possession of any part 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 ordered such person to leave the premises and to desist from the temporary possession of any part of such business.

(Code 1976, § 11-1029)

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

**Sec. 12-52. Disturbing the peace.**

(a) It shall be unlawful to disturb the peace. 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; or
- (2) Appearing in an intoxicated condition; or
- (3) Engaging in any act in a violent and tumultuous manner by any three (3) or more persons; or
- (4) Holding of an unlawful assembly; or
- (5) Interruption of any lawful assembly of people.

(b) Any person shall be guilty of disturbing the peace, if, providing however nothing herein contained shall apply to a bona fide legitimate labor organization or to any of its legal activities such as 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 and working conditions, while in or on the premises of another, whether that of an individual person, a corporation, a partnership, or an association, and on which property any store, restaurant, drug store, sandwich shop, hotel, motel, lunch counter, bowling alley, moving picture theater, drive-in theater, barber shop, beauty parlor, or any other lawful business is operated which engages in selling articles of merchandise or services or accommodations to members of the public, or engages generally in business transactions with members of the public, or while in or on private property other than his own, he shall:

- (1) Prevent or seek to prevent, or interfere or seek to interfere with the owner or operator of such place of business, or the owner's or operator's agents or employees, serving or selling food and drink, or either, or ren-

dering service or accommodation, or selling to or showing merchandise to, or otherwise pursuing a lawful occupation or business with customers or prospective customers or other members of the public who may then be in such building; or

- (2) Prevent or seek to prevent, or interfere or seek to interfere with other persons who are expressly or impliedly invited upon said premises, or with prospective customers coming into or frequenting such premises in the normal course of the operation of the business conducted and carried on upon such premises; or
- (3) Forcibly enter upon any premises or having entered without force, shall unlawfully detain the same by force or resistance, active or passive, against any person previously in the peaceable possession of the same and claiming right thereto; or
- (4) Enter, or attempt to enter, any public or private dwelling, building, or other property, or part of such dwelling, building or other property, against the will of the lawful occupant or of the person lawfully in charge thereof, or being therein or thereon without lawful authority remains therein or thereon and refuses to quit the same on the demand of the lawful occupant or of the person lawfully in charge thereof; or
- (5) Molest or disturb any congregation engaged in any religious exercise or proceeding in any church or place of worship, including, but not exclusively, by attending a religious exercise or proceeding while not a member of said congregation and after having been requested to leave said church or place of worship and it shall be lawful for any of the authorities of said churches to arrest or cause to be arrested any person or persons so offending, and take him, her, or them to the nearest police station and while so acting said church authority shall be considered to be a law enforcement officer; or
- (6) Congregate and assemble in any street, avenue, alley, road or highway, or in or around any public building or enclosure, or any

park or reservation, or at the entrance of any private building or enclosure, and engages in loud and boisterous talking or other disorderly conduct, or insults or makes rude or obscene gestures or comments or observations on persons passing by, or in their hearing, or crowds, obstructs, or incommodes the free use of any such street, avenue, alley, road, highway, or any of the foot pavements thereof, or the free entrance into any public or private building or enclosure; or curses, swears or makes use of any profane language or indecent or obscene words or engages in any disorderly conduct in any street, avenue, alley, road, highway, public park, or enclosure, public building, church, or assembly room, or in any other public place or in any place where from the same may be heard in any street, avenue, alley, road, highway, public park or enclosure, or other buildings, or in any premises other than those where the offense was committed.

(c) Whoever with intent to provoke a breach of the peace, or under circumstances such that a breach of the peace may be occasioned thereby:

- (1) Crowds or congregates with others, providing however nothing herein contained shall apply to a bona fide legitimate labor organization or to any of its legal activities such as 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 and working conditions, in or upon a shore protection structure or structures, or a public street or public highway, or upon a public sidewalk, or any other public place or building, or in any hotel, motel, store, restaurant, lunch counter, cafeteria, sandwich shop, motion picture theater, drive-in, beauty parlor, swimming pool area, or any sports or recreational area or place or any other place of business engaged in selling or serving members of the public, or in or around any free entrance to any such place of business or public building, or to any building owned by another individual, or a corporation, or a partnership

or an association, and who fails or refuses to disperse and move on when ordered so to do by any law enforcement officer, or any other authorized person, or

- (2) Insults or makes rude or obscene remarks or gestures, or uses profane language, or physical acts, or indecent proposals to or toward another or others, or disturbs or obstructs or interferes with another or others, or
- (3) While in or on any public bus, taxicab, boat, ferry or other watercraft or other vehicle engaged in transporting members of the public for a fare or charge, causes a disturbance or does or says, respectively, any of the matters or things mentioned in subsection (2) above, to, toward, or in the presence of any other passenger on such vehicle, or any person outside of such vehicle or in the process of boarding or departing from such vehicle, or
- (4) Refuses to leave the premises of another when requested so to do by any owner, lessee, or any employee thereof, shall be guilty of disturbing the peace.

(Code 1976, § 11-1061)

State law reference—Similar provisions, R.S. 14:103.

**Sec. 12-53. Demonstrations in or near building housing a court or occupied as residence by judge, juror, witness or court officer.**

Whoever, with the intent of interfering with, obstructing, or impeding the administration of justice, or with the intent of influencing any judge, juror, witness, or court officer, in the discharge of such person's duty, pickets or parades in or near a building housing a court of the state, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent uses any sound-truck or similar device or resorts to any other demonstration in or near any such building or residence, shall be, upon conviction, punished as provided by section 1-8.

(Code 1976, § 11-2002)

State law reference—Similar provisions, R.S. 14:401.

**Sec. 12-54. Keeping a disorderly place.**

It shall be unlawful to keep a disorderly place. Keeping a disorderly place is the intentional maintaining of a place to be used habitually for any illegal purpose or for any immoral sexual purpose. (Code 1976, § 11-1062)

State law reference—Similar provisions, R.S. 14:104.

**Sec. 12-55. Theft.**

(a) It shall be unlawful to commit theft. Theft is the misappropriation or taking of anything of value 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.

(b) Any person committing the crime of theft in the municipality of an amount of less than one hundred dollars (\$100.00) shall on conviction be punished as provided in section 1-8.

(c) Where there has been misappropriation or taking by a number of distinct acts of the offender, each separate act shall constitute a separate offense.

(Code 1976, § 11-1034)

State law reference—Similar provisions, R.S. 14:67.

**Sec. 12-56. Unauthorized use of movables.**

It shall be unlawful to commit unauthorized use of movables having a value of one thousand dollars (\$1,000.00) or less. Unauthorized use of movables is the intentional taking or use of any movable 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.

(Code 1976, § 11-1035)

**Sec. 12-57. Criminal trespass.**

(a) It shall be unlawful to commit criminal trespass. Criminal trespass is:

- (1) The unauthorized and intentional taking possession of any tract of land or structure without the consent of the owner thereof; or
- (2) The unauthorized and intentional entry upon any:
  - a. Plot of immovable property in excess of one (1) acre which is posted but not enclosed, unless such property is situated in an open range area; or
  - b. Plot of immovable property which is posted and enclosed, including property situated in open range areas; or
  - c. Posted lands belonging to public institutions; or
  - d. Structure, watercraft or movable.

Where an entry is made from a waterway for emergency purposes the party in distress may use the banks of such waterway without violating the provisions of subsection (2).

(b) Definitions. For the purposes of criminal trespass, the following definitions are adopted:

- (1) "Posted" property means any immovable property which is designated as such by the owner, lessee or other person lawfully authorized to take such action, provided the following requirements are satisfied:
  - a. The owner or person seeking to post the property shall place and maintain signs along the boundaries of the property or area to be posted, which signs shall be written in the English language, and shall contain the words "Posted" or "Private Property" or words to that effect.
  - b. The signs shall have letters at least five (5) inches in height and shall be of sufficient size and clarity to give notice to the public of the location and boundary of the posted property. The signs shall be placed and maintained at intervals of not more than one-eighth of a mile and shall be at least three (3), but not more than nine (9) feet above the ground or water level.
  - c. At the main entrance to the property and at not less than four (4) extremi-

ties along the boundary of such property the party seeking to post same shall include such person's name and address on the posted signs in addition to the words "Posted" or "Private Property" or words to that effect.

- d. In woodland, or areas where land is heavily overgrown, the party seeking to post the property, in addition to placing and maintaining signs as prescribed in this section, must fence the same with not less than three (3) strand wire, or its equivalent.
  - e. In marsh lands, posted signs shall also be placed at all major points of ingress or egress.
- (2) "Enclosed" property means any immovable property which is surrounded or encompassed by natural and/or artificial barriers.
- a. Natural barriers include:
    - 1. Lakes or ponds or other bodies of water which hold water during twelve (12) months of the year,
    - 2. Any river, stream, bayou or canal in which water is held or runs during twelve (12) months of the year,
    - 3. Other similar natural barriers.
  - b. Artificial barriers include:
    - 1. Any wall or wire, stone, metal or wooden fence,
    - 2. Any cattle guard being used as part of a fence.
  - c. Other similar barriers.

(c) "Open range" area means any area in which livestock are not prohibited by law to freely rove, provided that any road or highway which is required by law to be fenced, and which passes through any area in which livestock are not otherwise prohibited by law to freely rove, shall not prevent such area from being classified as "open range."

(Code 1976, § 11-1031)

State law reference—Similar provisions, R.S. 14:63.

**Sec. 12-58. Soliciting upon private residence and place of business without invitation.**

(a) The going in and upon private residences and/or places of business in this municipality by

solicitors, peddlers, hawkers, itinerant merchants, and transient vendors of merchandise, not having been requested or invited to do so by the owner or occupant thereof for the purpose of soliciting orders for the sale of goods, wares and merchandise, and/or for the purpose of disposing of and/or peddling or hawking the same, is hereby declared to be a nuisance, and punishable as such nuisance as a misdemeanor.

(b) The provisions of this section shall not apply to the sale, or soliciting of order for the sale of milk, dairy products, vegetables, poultry, eggs and other farm and garden produce so far as the sale of commodities named herein is now or subsequently authorized by law.

(Code 1976, §§ 10-4001, 11-2008)

State law reference—Entry after being forbidden, R.S. 14:63.3.

**Sec. 12-59. Destruction, defacing or removal of posted signs.**

It shall be unlawful to intentionally and without authority destroy, deface or remove posted signs designating or purporting to designate the boundary lines of immovable property.

(Code 1976, § 11-1032)

State law reference—Similar provisions, R.S. 14:63.2.

**Sec. 12-60. Issuing worthless checks.**

(a) It shall be unlawful to commit the issuing of a worthless check of an amount of less than one hundred dollars (\$100.00). Issuing a worthless check is the issuing in exchange for anything of value, with intent to defraud, of any check, draft, or order for the payment of money upon any bank or other depository, knowing at the time of the issuing that the offender has not sufficient credit with the bank or other depository for the payment of such check, draft, or order in full upon its presentation.

(b) The offender's failure to pay such check, draft, or order within ten (10) days after the receipt by such offender of written notice of its non-payment upon presentation, shall be presumptive evidence of intent to defraud.

(Code 1976, § 11-1036)

State law reference—Similar provisions, R.S. 14:71.

**Sec. 12-61. Unlawful sales to minors and purchases by minors.**

(a) Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen (17) years of any intoxicating or spirituous liquors, or any firearm or other instrumentality customarily used as a dangerous weapon, to any person under the age of eighteen (18) years. Lack of the knowledge of the minor's age shall not be a defense.

(b) It shall be unlawful for any person over the age of seventeen (17) years and under the age of eighteen (18) years to purchase any alcoholic beverage either of high or low alcoholic content.

(c) It shall be unlawful for any adult to purchase on behalf of a person under the age of eighteen (18) years any alcoholic beverage either of high or low alcoholic content.

(d) Nothing in this section shall be construed as relieving any licensed retail dealer in beverages of either high or low alcoholic content of any responsibilities imposed upon such dealer under the provisions of R.S. Title 26, as amended. (Code 1976, § 11-1055)

State law reference—Similar provisions, R.S. 14:91 et seq.

**Sec. 12-62. Obscenity.**

(a) It shall be unlawful to commit obscenity. Obscenity is the intentional:

- (1) Exposure of one's person in a public place in such manner that any part of a sex organ may be seen by another person, with the intent of arousing sexual desire.
- (2) Production, sale, exhibition, gift, or advertisement with the intent to primarily appeal to the prurient interest of the average person, of any lewd, lascivious, filthy or sexually indecent written composition, printed composition, book, magazine, pamphlet, newspaper, story paper, writing, phonograph record, picture, drawing, motion picture film, figure, image, wire or tape recording or any written, printed or recorded matter of sexually indecent character which may, or may not require mechanical or other

means to be transmitted into auditory, visual or sensory representations of such sexually indecent character.

- (3) Possession with the intent to sell, exhibit, give or advertise any of the pornographic material of the character as described in subsection (2) above, with the intent to primarily appeal to the prurient interest of the average person.
- (4) Performance by any person in the presence of another person with the intent of arousing sexual desire, of any lewd, lascivious, sexually indecent dancing, indecent posing, or indecent body movement.
- (5) Solicitation or attempt to entice any unmarried person under the age of seventeen (17) years to commit any act prohibited by this section.

(b) In prosecutions for obscenity, lack of knowledge of age or marital status shall not constitute a defense.

(Code 1976, § 11-1063)

State law reference—Similar provisions, R.S. 14:106.

**Sec. 12-63. Peeping Tom.**

No person shall 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."

"Peeping Tom" as used in this section 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 offence that the "Peeping Tom" be upon the premises of the person being spied upon.

(Code 1976, § 11-1068)

State law reference—Similar provisions, R.S. 14:284.

**Sec. 12-64. Use of obscene or indecent language in telephone conversation.**

No person shall engage in or institute a local telephone call, conversation or conference of an anonymous nature and therein use obscene, pro-



fane, vulgar, lewd, lascivious or indecent language, suggestions or proposals of an obscene nature and threats of any kind whatsoever.

(Code 1976, § 11-1069)

**Sec. 12-65. Prostitution.**

It shall be unlawful to commit prostitution. Prostitution is the practice by a person of indiscriminate sexual intercourse with another person for compensation.

(Code 1976, § 11-1039)

State law reference—Similar provisions, R.S. 14:82.

**Sec. 12-66. Soliciting for prostitutes.**

It shall be unlawful 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.

(Code 1976, § 11-1040)

State law reference—Similar provisions, R.S. 14:83.

**Sec. 12-67. Letting premises for prostitution.**

It shall be unlawful 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 such premises is to be used for the practice of prostitution, or allowing the continued use of the premises with such knowledge.

(Code 1976, § 11-1041)

State law reference—Similar provisions, R.S. 14:85.

**Sec. 12-68. Letting premises for obscenity.**

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

(Code 1976, § 11-1042)

**Sec. 12-69. Air guns.**

The use, firing, shooting or discharging of "air guns" or "air rifles" or "blow guns" within the municipality is hereby declared to be a nuisance.

It shall be unlawful for any person to use, fire, shoot, or discharge any "air gun" or "air rifle" or "blow gun" within the municipality.

(Code 1976, § 11-1044)

**Sec. 12-70. Discharging firearms.**

It shall be unlawful for any person to discharge either in the daytime or nighttime, any firearm within the municipality; except law enforcement officers in the discharge of their duties, and except other persons acting in the necessary defense of life or property.

(Code 1976, § 11-1045)

State law reference—Illegal use of weapon, R.S. 14:94.

**Sec. 12-71. Illegal carrying of weapons.**

It shall be unlawful to illegally carry weapons. Illegal carrying of weapons is:

- (1) The intentional concealment of any firearm, or other instrumentality customarily used or intended for probable use as a dangerous weapon, on one's person; or
- (2) The ownership, possession, custody or use of any firearm or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; or
- (3) The ownership, possession, custody or use of any tools, or dynamite or nitroglycerine, or explosives, or other instrumentality customarily used by thieves or burglars at any time by any person with the intent to commit a crime; or
- (4) The manufacture, ownership, possession, custody or use of any switch blade knife, spring knife or other knife or similar instrument having a blade which may be automatically unfolded or extended from a handle by the manipulation of a button, switch, latch or similar contrivance.

The provisions of this section except paragraph (4) shall not apply to sheriffs and other deputies, state and city police, constables and marshals, or persons vested with police power when in the actual discharge of official duties.

(Code 1976, § 11-1056)

State law reference—Similar provisions, R.S. 14:95.

**Sec. 12-72. Simple obstruction of highway of commerce.**

It shall be unlawful to commit simple obstruction of highway of commerce. Simple obstruction of a highway of commerce is to obstruct a highway of commerce intentionally or in a criminally negligent manner by the placing of anything or performance of any act on any railroad, navigable waterway, road, street, highway, or thoroughfare, or runway of an airport, which will render movement thereon more difficult.

(Code 1976, § 11-1046)

**Cross reference**—Related offenses, §§ 14-2 et seq., 16-6.

**State law reference**—Similar provisions, R.S. 14:97.

**Sec. 12-73. Obstruction of walk.**

It shall be unlawful to wilfully obstruct the free, convenient and normal use of any public sidewalk, street, alley, road or other passageway, or the entrance, corridor or passage of any public building, structure, watercraft or ferry, by impeding, hindering, stifling, retarding or restraining traffic or passage thereon or therein.

(Code 1976, § 11-1047)

**Sec. 12-74. Obstruction of firefighter.**

It shall be unlawful for any person to in any way interfere, meddle with, or obstruct a firefighter in the discharge of such firefighter's duties at a fire or on the way to a fire.

(Code 1976, § 11-1050)

**State law reference**—Similar provisions, R.S. 14:327.

**Sec. 12-75. Obstruction of fire prevention.**

It shall further be unlawful to interfere with fire prevention by the intentional performance of any of the following acts:

- (1) Defacing or destroying fire warning notices or posters.
- (2) Damaging, 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.

(Code 1976, § 11-1051)

**State law reference**—Similar provisions, R.S. 14:206.

**Sec. 12-76. Defacing buildings.**

It shall be unlawful to deface any building or property within the municipality, by making signs or figures thereon, or by writing any indecent or obscene word, or sentence on any building, room, hall, closet, wall, or fence.

(Code 1976, § 11-1053)

**State law reference**—Criminal damage to property, R.S. 14:56.

**Sec. 12-77. Gambling.**

(a) Gambling as hereinafter defined is declared to be a misdemeanor and is prohibited within the municipality. Gambling is defined as any one of the following acts:

- (1) The intentional conducting, or directly assisting in 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.
- (2) The intentional betting, wagering, or risking the loss of anything of value in order to realize a profit at any table, bank, alley, lottery, or contrivance.
- (3) The intentional betting, wagering, or risking the loss of anything of value in order to realize a profit at any game conducted with cards, dice, dominoes or other contrivance.

(b) Exceptions from provisions as to private residences: The provisions of this section shall not apply to gambling as hereinabove defined conducted within a bona fide private residence. For purpose of this section, "bona fide private residence" shall be defined as a structure actually used and occupied as a dwelling or place of abode, provided such structure is not a hotel, motel, roominghouse or place of transient residence, and provided further that such structure is not used for or attached to any other structure used for the wholesale or retail sale of any material, substance or commodity of whatsoever kind or description.

(c) Any owner, proprietor, lessee or tenant of a building who knowingly permits gambling as elsewhere prohibited in the above subsections in such building may be charged as a principal under the above subsections.

(d) Any gambling paraphernalia or apparatus seized upon premises wherein any gambling herein prohibited is subsequently determined to have occurred, such determination to be the conviction of any person for gambling on such premises, may be destroyed and any moneys seized thereat will be forfeited to the city and paid into the general fund upon order of the court adjudging such conviction.

(Code 1976, § 11-1054)

State law references—Similar provisions, R.S. 14:90; authority to prohibit, R.S. 33:4851.

#### Sec. 12-78. False reporting of a crime.

It shall be unlawful to commit false reporting of a crime. False reporting of a crime is the transmission to any police officer of the municipality or to any other municipal employee or official, by any means whatsoever, oral, written or otherwise, of any false information relating to the commission of a crime within the municipality, when such information is known by the person relating same to be false.

(Code 1976, § 11-1065(a); Ord. No. 434, § 1, 11-7-77)

#### Sec. 12-79. 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.

(Code 1976, §§ 4-2016, 11-2005)

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

#### Sec. 12-80. Resisting an officer.

(a) It shall be unlawful to resist an officer. Resisting an officer is the intentional opposition or resistance to, or obstruction of, an individual acting in such officer's official capacity and authorized by law 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) The phrase "obstruction of" as used herein shall, in addition to its common meaning, signification and connotation mean:

- (1) Flight by one sought to be arrested before the arresting officer can restrain such person and after notice is given that such person is under arrest.

- (2) Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before such person is incarcerated in jail.

- (3) Refusal by the arrested party to give such party's name and make such party's identity known to the arresting officer.

(Code 1976, § 11-1065)

State law reference—Similar provisions, R.S. 14:108.

#### Sec. 12-81. False personation.

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; or

- (2) Performing any act purporting to be official in such assumed character.

(Code 1976, § 11-1066)

State law reference—Similar provisions, R.S. 14:112.

#### Secs. 12-82—12-89. Reserved.

### ARTICLE IV. HOUSING DISCRIMINATION

#### Sec. 12-90. Definitions.

As used in this article, the following terms shall have the respective meanings ascribed to them:

*Discriminatory housing practice:* An act that is unlawful under section 12-93, section 12-94, or section 12-95.

*Dwelling:* Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location thereon of any such building or structure, or portion thereof.

*Family:* Includes one (1) or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

*To rent:* Includes to lease, to sublease, to let and otherwise to grant for a consideration the right to occupy premises owned.  
(Ord. No. 477, § 2, 9-14-87)

**Sec. 12-91. Policy.**

It is the policy of the municipality to provide, within constitutional limitations, for fair housing throughout the municipality.  
(Ord. No. 477, § 1, 9-14-87)

**Sec. 12-92. Discrimination in the sale or rental of housing—Applicability of prohibitions.**

Subject to the provisions of subsection (1) of this section and of section 12-96, the prohibitions against discrimination in the sale or rental of housing set forth in section 12-93 shall apply to:

- (1) All dwellings except as exempted by subsection (2).
- (2) Nothing in section 12-93 shall apply to:
  - a. Any single-family house sold or rented by an owner; provided, that such private individual owner does not own more than three (3) such single-family houses at any one time; provided further, that in the case of the sale of any such single-family house by a private individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale, the exemption granted by this subsection shall apply only with respect to one (1) such sale within any twenty-four-month period; provided further, that such bona fide private individual owner does not own any interest in, nor is there owned or reserved on such owner's behalf, under any express or voluntary agreement, title to or any right to all or a portion of the

proceeds from the sale or rental of, more than three (3) such single-family houses at any one time; provided further, that the sale or rental of any such single-family house shall be excepted from the application of this article only if such house is sold or rented: a. without the use in any manner of the sales or rental facilities or the sales or rental services of any real estate broker, agent, or salesperson, or of such facilities or services of any person in the business of selling or renting dwellings, or of any employee or agent of any such broker, agent, salesperson, or person, and b. without the publication, posting or mailing, after notice of any advertisement or written notice in violation or section 12-93(3), but nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistants as necessary to perfect or transfer the title, or

- b. Rooms or units in dwellings containing living quarters occupied or intended to be occupied by not more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of such living quarters as such owner's residence.
- (3) For the purposes of subsection (b), a person shall be deemed to be in the business of selling or renting dwellings if such person:
  - a. Has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest therein, or
  - b. Has, within the preceding twelve (12) months, participated as agent, other than in the sale of such agent's own personal residence, in providing sales or rental facilities or sales or rental services in two (2) or more transactions involving the sale or rental of any dwelling or any interest therein, or

- c. Is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.

(Ord. No. 477, § 3, 9-14-87)

**Sec. 12-93. Same—Unlawful acts.**

As made applicable by section 12-92 and except as exempted by section 12-92(2) and section 12-96, it shall be unlawful:

- (1) To refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin.
- (2) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, or national origin.
- (3) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination.
- (4) To represent to any person because of race, color, religion, or national origin that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- (5) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of any persons of a particular race, color, religion, or national origin.

(Ord. No. 477, § 4, 9-14-87)

**Sec. 12-94. Discrimination in the financing of housing.**

It shall be unlawful for any bank, building and loan association, insurance company or other cor-

poration, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to deny a loan or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, improving, repairing, or maintaining a dwelling, or to discriminate against a person in the fixing of the amount, interest rate, duration, or other terms or conditions of such loan or other financial assistance, because of the race, color, religion, or national origin of such person or of any person associated with such person in connection with such loan or other financial assistance, or of the presence of prospective owners, lessees, tenants, or occupants of the dwellings in relation to which such loan or other financial assistance is to be made or given; provided, that nothing contained in this section shall impair the scope or effectiveness of the exception contained in section 12-92(2).

(Ord. No. 477, § 5, 9-14-87)

**Sec. 12-95. Discrimination in the provision of brokerage services.**

It shall be unlawful to deny any person access to or membership or participation in any multiple-listing service, real estate broker organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate against any person in the terms or conditions of such access, membership, or participation, on account of race, color, religion, or national origin.

(Ord. No. 477, § 6, 9-14-87)

**Sec. 12-96. Exemption.**

Nothing in this article shall prohibit a religious organization, association, or society, or any non-profit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin; nor shall anything in this article prohibit a private club not in fact open to the public, which as an

incident to its primary purposes provides lodging which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.  
(Ord. No. 477, § 7, 9-14-87)

**Sec. 12-97. Administration.**

(a) The authority and responsibility for administering this article shall be in the chief executive officer of the municipality.

(b) The chief executive officer may delegate any of these functions, duties, and powers to employees of the municipality or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter under this article. The chief executive officer shall by rule prescribe such rights of appeal from the decisions of such officer's hearing examiners or to other officers in the municipality, to boards of officers or to such officer personally, as shall be appropriate and in accordance with the law.

(c) All executive departments and agencies shall administer their programs and activities relating to housing and urban development in a manner to affirmatively further the purpose of this article and shall cooperate with the chief executive officer to further such purposes.  
(Ord. No. 477, § 8, 9-14-87)

**Sec. 12-98. Education and conciliation.**

The chief executive officer shall carry on such educational and conciliatory activities as will further the purpose of this article. Such officer shall call conferences of persons in the housing industry and other interested parties to acquaint them with the provisions of this article and such officer's suggested means of implementing it, and shall endeavor with their advice to work out programs of voluntary compliance and of enforcement.  
(Ord. No. 477, § 9, 9-14-87)

**Sec. 12-99. Enforcement.**

(a) Any person who claims to have been injured by a discriminatory housing practice or who be-

lieves that such person will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter called "person aggrieved") may file a complaint with the chief executive officer. Complaints shall be in writing and shall contain such information and be in such form as the chief executive officer requires. Upon receipt of such a complaint, the chief executive officer shall furnish a copy of the same to the persons who allegedly committed or are about to commit the alleged discriminatory housing practice. Within thirty (30) days after the expiration of any period of reference under subsection (c), the chief executive officer shall investigate the complaint and give notice in writing to the person aggrieved whether such officer intends to resolve it. If the chief executive officer decides to correct the alleged discriminatory housing practice, whether it will be done by informal methods of conference, conciliation, and persuasion, nothing said or done in the course of such informal endeavors may be made public or used as evidence in a subsequent proceeding under this article without the written consent of the persons concerned. Any employee of the chief executive officer who shall make public any information in violation of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in section 1-8.

(b) A complaint under subsection (a) shall be filed within one hundred eighty (180) days after the alleged discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the allegations of a discriminatory housing practice are based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint against such respondent and with the consent of the chief executive officer, which shall be granted whenever it would be reasonable and fair to do so, may amend the answer at any time. Both complaints and answers shall be verified.

(c) If within thirty (30) days after a complaint is filed with the chief executive officer, the chief executive officer has been unable to obtain voluntary compliance with this article, the person aggrieved may, within thirty (30) days thereafter, file a complaint with the secretary of the Depart-

ment of Housing and Urban Development. The chief executive officer will assist in this filing.

(d) If the chief executive officer has been unable to obtain voluntary compliance within thirty (30) days of the complaint, the person aggrieved may, within thirty (30) days thereafter commence a civil action in any appropriate court, against the respondent named in the complaint, to enforce the rights granted or protected by this article, insofar as such rights relate to the subject of the complaint. If the court finds that a discriminatory housing practice has occurred or is about to occur, the court may enjoin the respondent from engaging in such practice or order such affirmative action as may be appropriate.

(e) In any proceeding brought pursuant to this section, the burden of proof shall be on the complainant.

(f) Whenever an action filed by an individual shall come to trial, the chief executive officer shall immediately terminate all efforts to obtain voluntary compliance.

(Ord. No. 477, § 10, 9-14-87)

**Sec. 12-100. Investigations; subpoenas; giving of evidence.**

(a) In conducting an investigation, the chief executive officer shall have access to all reasonable times to premises, records, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation, provided, however, that the chief executive officer first complies with the provisions of the fourth amendment to the U.S. Constitution relating to unreasonable searches and seizures. The chief executive officer may issue subpoenas to compel such officer's access to or the production of such materials, or the appearance of such persons, and may issue interrogatories to a respondent, to the same extent and subject to the same limitations as would apply if the subpoenas or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is taking place. The chief executive officer may administer oaths.

(b) Upon written application of the chief executive officer, a respondent shall be entitled to the issuance of a reasonable number of subpoenas by and in the name of the chief executive officer to the same extent and subject to the same litigation as subpoenas issued by the chief executive officer personally. Subpoenas issued at the request of a respondent shall show on their faces the name and address of such respondent and shall state that they were issued at his request.

(c) Witnesses summoned by subpoenas of the chief executive officer shall be entitled to the same witness and mileage fees as are witnesses in proceedings in United States district court. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by such respondent.

(d) Within five (5) days after service of a subpoena upon a person such person may petition the chief executive officer to revoke or modify the subpoena. The chief executive officer shall grant the petition if such officer finds that the subpoena requires appearance or attendance at an unreasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it does not describe with sufficient particularity the evidence to be produced, that compliance would be unduly onerous, or for other good reason.

(e) In case of contumacy of refusal to obey a subpoena, the chief executive officer or other person at whose request it was issued may petition for its enforcement in the municipal or state court for the district in which the person to whom the subpoena was addressed resides, was served, or transacts business.

(f) Any person who wilfully fails or neglects to attend and testify or to answer any lawful inquiry or to produce records, documents, or other evidence, if in such person's power to do so, in obedience to the subpoena or lawful orders of the chief executive officer shall be punished as provided in section 1-8. Any person who, with intent thereby to mislead the chief executive officer, shall make or cause to be made any false entry or statement of fact in any report, account, record, or other document submitted to the chief executive officer pursuant to such officer's subpoena or

other order, or shall wilfully neglect or fail to make or cause to made full, true, and correct entries in such reports, accounts, records, or other documents, or shall wilfully mutilate, alter, or by any other means falsify any documentary evidence, shall be punished as provided in section 1-8.

(g) The municipal attorney shall conduct all litigation in which the chief executive officer participates as a party or as amicus curiae pursuant to this article.

(Ord. No. 477, § 11, 9-14-87)

**Sec. 12-101. Enforcement by private persons.**

(a) The rights granted by sections 12-92 through 12-95 may be enforced by civil actions in state of local courts of general jurisdiction. A civil action shall be commenced within one hundred eighty (180) days after the alleged discriminatory housing practice occurred; provided, however, that the court shall continue such civil case brought pursuant to this section or section 12-99(d) from time to time before bringing it to trial if the court believes that the conciliation efforts of the chief executive officer are likely to result in a satisfactory settlement of the discriminatory housing practice complained of in the complaint made to the chief executive officer and which practice forms the basis for the action in court; and provided, however, that any sale, encumbrance, or rental consummated prior to the issuance of any court order issued under the authority of this article, and involving a bona fide purchaser, encumbrancer, or tenant without actual notice of the existence of the filing of a complaint or civil action under the provisions of this article shall not be affected.

(b) The court may grant as relief, as it deems appropriate, any permanent or temporary injunction, temporary restraining order, or other order, and may award to the plaintiff actual damages and not more than one thousand dollars (\$1,000.00) punitive damages, together with court costs and reasonable attorney fees in the case of a prevailing plaintiff; provided, that the plaintiff in the opinion of the court is not financially able to assume such attorney's fee.

(Ord. No. 477, § 12, 9-14-87)

**Sec. 12-102. Interference, coercion, or intimidation.**

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the exercise of enjoyment of, or on account of any person having exercised or enjoyed, or on account of any person having aided or encouraged any other person in the exercise or enjoyment of, any right granted or protected by section 12-92, section 12-93, section 12-94, or section 12-95. This section may be enforced by appropriate civil action.

(Ord. No. 477, § 13, 9-14-87)

**Sec. 12-103. Prevention of intimidation in fair housing cases.**

Whoever, whether or not acting under color of law, by force or threat of force wilfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with:

- (1) Any person because of such person's race, color, religion or national origin and because such person is or has been selling, purchasing, renting, financing, occupying, or contracting or negotiating for the sale, purchase, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or
- (2) Any person because such person is or has been, or in order to intimidate such person or any other person or any class of persons from:
  - a. Participating, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection (1); or
  - b. Affording another person or class of persons opportunity or protection so to participate; or
- (3) Any citizen because such citizen is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging other persons to participate, without discrimination on account of race, color, religion or national origin, in any of



the activities, services, organizations or facilities described in subsection (1), or participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate, shall be punished as provided in section 1-8.

(Ord. No. 477, § 15, 9-14-87)

**Secs. 12-104–12-110. Reserved.**

## ARTICLE V. CURFEW REGULATIONS\*

**Sec. 12-111. Short title.**

This article shall be known and may be cited as "curfew ordinance."

(Ord. No. 494, § 1, 11-13-90)

**Sec. 12-112. Purposes.**

This article prescribes, in accordance with prevailing community standards, regulations for the conduct of minors on streets at night, effectively enforced, taught in homes, all for the good of minors, for the furtherance of family responsibility, and for the public good, safety and welfare.

(Ord. No. 494, § 2, 11-13-90)

**Sec. 12-113. Definitions.**

For the purposes of the curfew ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is always mandatory and not merely directory;

*Minor* is any person under the age of seventeen.

*Parent* is any person having legal custody of a minor (1) as a natural or adoptive parent (2) as a legal guardian, (3) as a person who stands in loco parentis of (4) as a person to whom legal custody has been given by order of court.

\*Editor's note—Ord. No. 494, §§ 1–8, adopted Nov. 13, 1990, did not specifically amend the Code; hence, inclusion herein as Art. V, §§ 12-111–12-118, was at the discretion of the editor.

*Public place* shall mean any park, playground, or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose, and shall include street or thoroughfare. A public place shall include but not be limited to any store, shop, restaurant, cafe, theater, drug store, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above, including the yard or parking area.

*Street or thoroughfare* is a way or place, or whatever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian travel. The term street includes the legal right-of-way, including but not limited to the cartway or traffic lanes, the curb, the sidewalks whether paved or unpaved, any grass plots or other grounds found within the legal right of a street. The term street applies irrespective of what it be called or formally named, whether alley, avenue, court road, or otherwise.

*Time of night* referred to herein is based upon the prevailing standard of time, whether Central Standard Time or Central Daylight Saving Time, generally observed at that hour by the public in the town, prima facie the time then observed in the town police station.

*Town* is the Town of Oak Grove  
(Ord. No. 494, § 3, 11-13-90)

**Sec. 12-114. Curfew for minors.**

It shall be unlawful for any person under the age of seventeen (17) years, to be or remain in or upon any public street or thoroughfare or in any public place, between the hours of 11:00 p.m. and 4:00 a.m. Sunday through Thursday and 12:00 midnight and 4:00 a.m. Friday and Saturday in the town, unless one of the exceptions under section 12-115 applies.

(Ord. No. 494, § 4, 11-13-90)

**Sec. 12-115. Exceptions.**

In the following exceptional cases a minor on a town street or thoroughfare or in a public place during the nocturnal hours for which section

12-114 is intended to provide the maximum limits of regulation (and a clear general guide for minors, their parents and their fellow-citizens) shall not, however, be considered in violation of the curfew ordinance, to-wit:

- (1) When accompanied by a parent or guardian of such minor;
- (2) When accompanied by an adult authorized by a parent of such minor to take such parent's place in accompanying such minor for a designated period of time and purpose within a specified area;
- (3) When 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, provided the minor first has given notice to the mayor of the town by delivering to the town hall a written communication signed by the minor and countersigned, if practicable, by a parent of the minor which specifies when, where, in what manner, and for what first amendment purpose the minor will be on the streets at night during the curfew time period;
- (4) In case of emergency which can be verified by a law enforcement officer;
- (5) The minor is returning home by a direct route from and within thirty (30) minutes of the termination of a lawfully organized activity, the attendance of which has been approved in writing by the parent:
  - a. The approval of the parent identified in subsection (5) above must be in writing, must specify the event or activity that the minor is permitted to be at, and must contain the parent's residence address and the telephone number where the parent can be reached;
- (6) The minor has been authorized, by special permit obtained from the mayor, or his designated representative, to be on the streets during the curfew hours for normal or necessary nighttime activities inadequately provided for by other exceptions in this article;

(7) The minor is a member of a group of minors permitted by a "regulation" issued by the mayor or his designated representative to be on the streets during the curfew hours for normal or necessary nighttime activities inadequately provided for by other exceptions in this article;

(8) The minor is employed during the curfew hours and such employment is verifiable;

(9) The minor is in a motor vehicle with parental consent for normal travel, with interstate travel through the town.

(Ord. No. 494, § 5, 11-13-90)

#### **Sec. 12-116. Parental responsibility.**

It shall be unlawful for a parent having legal custody of a minor knowingly to permit or by inefficient control to allow such minor to be or remain upon a town street or thoroughfare or in a public place under circumstances not constituting an exception to, or otherwise beyond the scope of the curfew ordinance. The term "knowingly" includes knowledge which a parent should reasonably be expected to have concerning the whereabouts of a minor in that parent's legal custody. It is intended to continue to keep neglectful or careless parents up to a reasonable community standard of parental responsibility through an object test. It shall be no defense that a parent was completely indifferent to the activities or conduct or whereabouts of such minor.

(Ord. No. 494, § 6, 11-13-90)

#### **Sec. 12-117. Police procedures.**

A law enforcement officer, upon finding or having attention called to any minor on the public streets or thoroughfares of in a public place in prima facie violation of curfew ordinance, shall follow the following procedures:

- (1) Take the minor to the police station, where a parent shall immediately be notified to come for such minor;
- (2) In case of a minor, age twelve or under, near home whose identity and address may readily be ascertained or are known, the law enforcement officer may use his judgment and deliver the minor to a parent;

- (3) In any event such law enforcement officer shall within twenty-four (24) hours file a written report with the chief of police;
- (4) When a parent, immediately called, has come to take charge of the minor, and the appropriate information has been recorded, the minor shall be released to the custody of the parent. If the parent cannot be located, or fails to take charge of the minor, then the minor shall be released to the juvenile authorities, except to the extent that in accordance with police regulations, approved in advance by juvenile authorities, the minor may temporarily be entrusted to a relative, neighbor or other person who will, on behalf of a parent, assume the responsibility of caring for the minor pending the availability of arrival of a parent;
- (5) In the case of a first violation by a minor, the chief of police shall, by certified mail, send to a parent written notice of said violation with a warning that any subsequent violation will result in full enforcement of the curfew ordinance including enforcement of parental responsibility and of applicable penalties;
- (6) For purposes of enforcing this article, in the absence of a convincing evidence such as a birth certificate, a policeman on the street shall, in the first instance, use his best judgment in determining age.

(Ord. No. 494, § 7, 11-13-90)

#### Sec. 12-118. Penalties.

Prevailing community standards which support the restriction against minors being on the streets at late hours, reflected in this curfew ordinance, are hereby undergirded with the following legal sanctions:

- (a) If, after the warning notice pursuant to section 12-117(5) of a first violation by a minor, a parent violates section 12-116 (in connection with a second violation by said minor), this shall be treated as a first offense by the parent. For such first parental offense, a parent shall be fined twenty-five dollars (\$25.00) and for each subsequent offense by a parent the fine shall be in-

creased by an additional twenty-five dollars (\$25.00), e.g. fifty dollars (\$50.00) for the second, seventy-five dollars (\$75.00) for the third offense and so on. The mayor, upon finding the parents guilty, shall sentence the parent to pay such fine and the costs of prosecution, and upon refusal to pay such fine and costs of prosecution, and upon refusal to pay such fine costs to be imprisoned for a period not exceeding ten (10) days, or at his discretion, a similar period of community service.

(b) Any minor who shall violate any of the provisions of this curfew ordinance more than three (3) times shall be reported by the chief of police to the appropriate state juvenile authorities whose purpose it is to take charge of incorrigibles and delinquents and proceedings shall be taken under the appropriate state law, before the juvenile court for the treatment, supervision and rehabilitation of such minor.

(Ord. No. 494, § 8, 11-13-90)







Chapter 13

**PERSONNEL**

- Art. I. In General, §§ 13-1-13-19
- Art. II. Retirement, §§ 13-20-13-39
- Art. III. Police Department, §§ 13-40-13-49
- Art. IV. Fire Department, §§ 13-50-13-64





**ARTICLE I. IN GENERAL**

**Secs. 13-1—13-19. Reserved.**

**ARTICLE II. RETIREMENT**

**Sec. 13-20. Municipal employee retirement system—Declaration of policy to come under coverage.**

It is hereby declared to be the policy and purpose of the municipality to extend the provisions of R.S. 33:7151 et seq., as amended, providing retirement to eligible officers and employees of the municipality. In pursuance of this policy, and for such purpose, the officers of the municipality shall take such action as may be required by applicable state or federal laws and regulations. The coverage of eligible officers and employees shall not be retroactive.  
(Code 1976, § 2-3021)

**Sec. 13-21. Same—Execution of agreement with state agency.**

The mayor is authorized and directed to execute an agreement with the board of trustees of the municipal employees retirement system to secure coverage of eligible officers and employees.  
(Code 1976, § 2-3022)

**Sec. 13-22. Same—Withholdings.**

Withholdings from salaries or wages of officers and employees for the purposes provided in section 13-25 are hereby authorized to be made in the amounts and at such times as may be required by the board of trustees in accordance with R.S. 33:7151 et seq., and shall be paid over to the board of trustees in such amounts and at such times as are designated by state laws and regulations of the agency.  
(Code 1976, § 2-3023)

**Sec. 13-23. Same—Contributions.**

Employer contributions and assessments for administrative expenses shall be paid from amounts appropriated for such purposes to the

board of trustees in accordance with applicable state laws and regulations of the board of trustees.  
(Code 1976, § 2-3024)

**Sec. 13-24. Same—Records and reports.**

The municipal clerk shall maintain such records and submit such reports as may be required by applicable state laws and regulations of the board of trustees.  
(Code 1976, § 2-3025)

**Sec. 13-25. Social security—Declaration of policy to come under coverage.**

It is hereby declared to be the policy and purpose of the municipality to extend the provisions of R.S. 42:1001 et seq., as amended, providing social security to eligible officers and employees of the municipality. In pursuance of this policy, and for such purpose, the officers of the municipality shall take such action as may be required by applicable state or federal laws and regulations. The coverage of eligible officers and employees was effective as of November 1, 1956.  
(Code 1976, § 2-3011)

**Sec. 13-26. Same—Execution of agreement with state agency.**

The mayor is authorized to execute an agreement with the public employees board of the state to secure coverage of eligible officers and employees as provided in section 13-25.  
(Code 1976, § 2-3012)

**Sec. 13-27. Same—Withholdings.**

Withholdings from salaries or wages of officers and employees for the purposes provided in section 13-25 are hereby authorized to be made in the amounts and at such times as may be required by applicable state and federal laws and regulations, and shall be paid over to the public employees board, a state agency, in such amounts and at such times as are designated by state laws and regulations of the agency.  
(Code 1976, § 2-3013)

**Sec. 13-28. Same—Contributions.**

Employer contributions and assessments for administrative expenses shall be paid from amounts appropriated for such purposes to the state agency in accordance with applicable state laws and regulations of the agency.  
(Code 1976, § 2-3014)

**Sec. 13-29. Same—Records and reports.**

The municipal clerk shall maintain such records and submit such reports as may be required by applicable state and federal laws or regulations.  
(Code 1976, § 2-3015)

**Secs. 13-30—13-39. Reserved.**

**ARTICLE III. POLICE DEPARTMENT**

**Sec. 13-40. Department created; classification; number of members.**

There is created a police department for the municipality which shall consist of the chief of police, assistant chief of police, and as many police officers and employees as may from time to time be deemed necessary for the safety and good order of the municipality and for the effective operation of the department.  
(Code 1976, § 4-1001; Ord. No. 540, 6-8-99)

**Sec. 13-41. Operation under rules and regulations.**

The police department shall be operated and managed in accordance with such departmental rules and regulations as may be adopted by the governing body.  
(Code 1976, § 4-1002)

**Sec. 13-42. Duties of the chief of police.**

Other than those duties and powers already granted herein, the chief of police shall:

- (1) Execute and return all writs and processes as directed by the mayor.
- (2) Serve criminal writs and processes in the county; and

- (3) Within the municipality, to suppress all riots, disturbances and breaches of the peace; apprehend all disorderly persons; pursue and arrest any person fleeing from justice; and apprehend any person in the act of violating the laws of the state or the ordinances of the municipality and bring such persons before competent authority for examination and trial.

- (4) Render such accounts of the police department, such chief's duties, department operations and receipts as may be required by the governing body and keep records of the department and such chief's office open to public inspection at all reasonable times.

(Code 1976, § 4-1003)

**Sec. 13-43. Duties of police officers.**

All members of the police department shall:

- (1) Perform all duties as required by law.
- (2) Suppress all riots, disturbances and breaches of the peace, apprehend all disorderly persons in the municipality, and shall pursue and arrest any person fleeing from justice in any part of the state.
- (3) Be the enforcement officers of the municipality and shall see that the provisions of this Code, any other ordinances of the municipality, and the laws of the state are complied with.
- (4) Report such offenses as may come to their knowledge to the proper municipal official or they shall report the same to the mayor, securing a warrant for the arrest of offenders as shall be directed.
- (5) Execute and return all writs and processes to them directed by the mayor in any action arising under a municipal ordinance.
- (6) Shall observe the condition of the streets, sidewalks, and alleys of the municipality, and of any obstruction, nuisance or impediments there and shall take necessary measures to remove or abate the same.

(Code 1976, § 4-1004)

**Sec. 13-44. Oath of office.**

Before entering upon the duties of office, each police officer shall take and subscribe to an oath that such officer will support the constitution and laws of the state, the constitution of the United States, and the ordinances of the municipality, and that such officer will faithfully perform the duties of the office upon which such officer is about to enter.

(Code 1976, § 4-1005)

**Sec. 13-45. Uniforms.**

Every police officer shall wear at all times while on duty, a uniform of the type and quality prescribed by the governing body.

(Code 1976, § 4-1006)

**Sec. 13-46. Statutory subsistence allowance.**

(a) Of the amounts appropriated by the governing body for police officials, the sum of five dollars (\$5.00) per day for each work day shall be designated as and shall constitute a statutory subsistence allowance. The purpose of this section is to grant police officials employed by the municipality the tax benefits provided for by section 120 of the 1954 Internal Revenue Code.

(b) Such statutory subsistence allowance shall continue until this section is repealed.

(Code 1976, § 2-3001)

**Sec. 13-47. Officers; assistant chief of police; appointment and duties.**

The assistant chief of police and all other department heads shall be appointed by the chief of police. Such officers shall be accountable to the chief of police, and subject to removal by the chief.

The assistant chief of police shall have all of the duties and powers of the chief of police when the said chief of police is absent, incapacitated, unable to serve, or removed from office until the successor chief is appointed.

(Ord. No. 540, 6-8-99)

**Secs. 13-48—13-49. Reserved.****ARTICLE IV. FIRE DEPARTMENT****Sec. 13-50. Officers of the department generally.**

The department shall consist of a chief, two (2) assistant chiefs and other officers as the chief and the governing body may deem necessary for the effective operation of the department.

(Code 1976, § 4-2001)

**Sec. 13-51. Chief—Appointment; qualifications; grounds for removal.**

The chief shall be appointed by the governing body for an indefinite period of time. The chief's tenure of office shall depend upon good conduct and efficiency. The chief shall be technically qualified by training and experience and shall have ability to command person's and hold respect and confidence. The chief shall be removed only for just cause and after a public hearing before the governing body.

(Code 1976, § 4-2002)

**Sec. 13-52. Same—Accountable to governing body; officers accountable to chief.**

The chief shall be held accountable to the governing body and shall make written and verbal reports thereto as the governing body may require. All other department and company officers shall be accountable to the chief only.

(Code 1976, § 4-2003)

**Sec. 13-53. Same—Duties and powers.**

The duties of the chief shall be as follows:

- (1) Formulate a set of rules and regulations to govern the department, and be responsible to the governing body for the personnel, moral and general efficiency of the department.
- (2) Determine the number and kind of companies of which the department is to be composed and determine the response of such companies to alarms.
- (3) At least once a month, conduct suitable drills or instruction in the operation and handling of equipment, first aid and res-

cue work, salvage, a study of buildings in the municipality, fire prevention, water supplies, and all other matters generally considered essential to good firemanship and safety of life and property from fire.

- (4) Assist the proper authorities in suppressing the crime of arson by investigating or causing to be investigated the cause, origin, and circumstances of all fires.
- (5) Enter any building and premises at any reasonable hour for the purpose of making inspections and to serve written notice upon the owner or occupant to abate, within a specified time, all fire hazards that may be found. Any person so served with a notice to abate any fire hazard or hazards, shall comply therewith and promptly notify the chief.
- (6) See that complete records are kept of all fires, inspections, apparatus and minor equipment, personnel and other information about the work of the department.
- (7) Report monthly to the mayor the condition of the apparatus and equipment; the number of fires during the month, their location and cause, and date of same and loss occasioned thereby; the number and purpose of all other runs made; and the number of members responding to each fire or other run, and any changes in membership.
- (8) Make a complete annual report to the governing body within one (1) month after the close of the fiscal year, such report to include the information specified in (6) together with comparative data for previous years and recommendations for improving the effectiveness of the department.

(Code 1976, § 4-2005)

#### **Sec. 13-54. Membership of the department.**

The membership of the department shall consist of such persons as may be appointed by the chief and shall be able-bodied citizens residing within the municipality, preferably property owners whose business activities are normally within

the confines of the municipality, and who have telephones in their homes. Determination of whether candidates for appointment are able-bodied shall be made by the chief after a medical and physical examination has been made in a manner prescribed by the chief and approved by the governing body.

(Code 1976, § 4-2006)

#### **Sec. 13-55. Officers—Appointed by chief.**

The assistant chiefs and all other department and company officers shall be appointed by the chief. Such officers shall be accountable only to the chief, and subject to removal by the chief.

(Code 1976, § 4-2004)

#### **Sec. 13-56. Same—Special officers.**

(a) The department may elect a president, vice president, secretary, and treasurer, to be known as social officers. Such officers may be elected in any manner and for any term the membership may decide upon, and their duties shall be to arrange for and manage all social functions sponsored by the department.

(b) The functions and duties of such social officers shall in no way interfere with those of the regular department officers who are charged with responsibility for all fire service activities of the department.

(Code 1976, § 4-2007)

#### **Sec. 13-57. Equipment; recommendations for purchase; housing.**

(a) The department shall be equipped with such apparatus and other equipment as may be required from time to time to maintain its efficiency and properly protect life and property from fire.

(b) Recommendations of apparatus and equipment needed shall be made by the chief, and after approval by the governing body shall be purchased in such manner as may be designated by the governing body.

(c) All equipment of the department shall be safely and conveniently housed in such places as may be designated by the governing body. Such places shall be heated during the winter season. (Code 1976, § 4-2008)

**Sec. 13-58. Alarm facilities to be provided.**

Suitable arrangement or equipment shall be provided for citizens to turn in an alarm, and for notifying all members of the department so that they may promptly respond. (Code 1976, § 4-2009)

**Sec. 13-59. Fire apparatus not to be used for private purposes.**

No person shall use any fire apparatus or equipment for any private purpose, nor shall any person wilfully and without proper authority take away or cancel any article used in any way by the department. (Code 1976, § 4-2010)

**Sec. 13-60. Visitors to be accompanied by authorized member of department.**

No person shall enter any place where fire apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by, or having the special permission of, an officer or authorized member of the department. (Code 1976, § 4-2011)

**Sec. 13-61. Agreements with nearby communities authorized.**

The chief of the fire department is hereby authorized, with the consent and approval of the governing body, to enter into agreements or contracts with nearby incorporated communities or governing bodies of other organizations to provide the members of such communities or organizations with fire protection or to establish a mutual aid system. (Code 1976, § 4-2012)

**Sec. 13-62. Calls outside municipal limits.**

No apparatus shall be hired out or permitted to leave the municipality, except in response to a call for aid at a fire in a neighboring community, without the consent of the mayor. The officer in charge of the department shall have power to assign equipment for response to calls for outside aid in accordance with section 13-61, in other cases only when the absence of such equipment will not jeopardize the protection in the municipality. (Code 1976, § 4-2013)

**Sec. 13-63. Badge and car insignia.**

(a) Each member of the department shall be issued a badge designating such member's rank.

(b) Each member of the department driving a car shall be issued a suitable insignia to be attached to the car. (Code 1976, § 4-2014)

**Sec. 13-64. Enforcement authority and duty.**

(a) All regularly appointed members of the department are hereby given the necessary special police powers for the purpose of enforcing the provisions of this article.

(b) It is hereby made the special duty of the chief of police and other peace officers who may be on duty and available for fire duty, to respond to all fire alarms and assist the department in the protection of life and property, in regulating traffic, maintaining order, and in enforcing observance of appropriate provisions of this article. (Code 1976, § 4-2018)









Chapter 14

**STREETS AND SIDEWALKS\***

- Art. I. In General, §§ 14-1-14-19  
Art. II. Excavations, §§ 14-20-14-25

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\*Cross references—Hours for excavating streets regulated, § 9-2(b)(8); simple obstruction of highways, § 12-72; obstruction of walk, § 12-73.



**ARTICLE I. IN GENERAL****Sec. 14-1. Culverts placed in drainage ditches to be approved by building inspector.**

No person shall place any culvert or other obstruction in, on or under any drainage ditch on property owned by the municipality, without first obtaining from the building inspector approval as to the size, material and grade for such culvert or other obstruction.

(Code 1976, § 5-1006.1; Ord. No. 439, 2-5-79)

**Sec. 14-2. Obstructions—Assembly of persons.**

No persons shall assemble or remain assembled on the streets or sidewalks in sufficient numbers or in any manner as to constitute an obstruction to free passage thereon if requested to disperse by any officer of the municipality.

(Code 1976, § 5-1001)

**Cross references**—Obstructing traffic with a vehicle, § 16-6; simple obstruction of highway, § 12-72.

**Sec. 14-3. Same—Hardware, furniture, merchandise or other works.**

No person shall obstruct the streets, sidewalks or alleys of the municipality by placing thereon any hardware, furniture, merchandise, shelving, boxes or other works that will in any manner interfere with the use of the streets, sidewalks, or alleys by the public.

(Code 1976, § 5-1002)

**Sec. 14-4. Same—Display of goods.**

No person shall place for display or sale any goods, wares or merchandise of any kind upon any of the sidewalks.

(Code 1976, § 5-1003)

**Sec. 14-5. Same—Placing or leaving thereon.**

No brick, stone or wood or other substances obstructing the free passage of persons and vehicles shall be placed or left in any of the streets, sidewalks or the alleys, of the municipality, nor shall any person place on or in any of the streets, sidewalks or alleys any boxes, crates, casks, or barrels of any description, or any other obstruc-

tion of any kind; provided, that any person erecting a building may with municipal permission place building material for immediate use on the streets in such a way as not to interfere with the usual traffic.

(Code 1976, § 5-1004)

**Sec. 14-6. Same—Construction near sidewalk.**

Before building or remodeling in close proximity to the sidewalk, a passageway shall be constructed so as to leave the sidewalk unobstructed and provide safe and easy passage.

(Code 1976, § 5-1005)

**Sec. 14-7. Encroachments.**

It shall be the duty of the chief of police to notify all persons about to erect any building, sidewalk, wall, sign, or fence near the street or any public way not to encroach upon such public way, and if in the opinion of the mayor any such obstruction is being, or has been, constructed on any public way, the mayor shall cause a survey of the line of the public way to be made by a competent surveyor. If such survey shall show that the public way is obstructed by any building, sidewalk, wall or fence, the owner shall be required to pay the costs of the survey and shall be required to remove all encroachments at once. Every person who shall be found to have encroached on any public way by any such building, sidewalk, wall or fence and refuses or neglects to remove the same upon notice from the chief of police within ten (10) days from the date thereof, shall be guilty of a misdemeanor.

(Code 1976, § 5-1006)

**Sec. 14-8. Use of nails and tacks restricted.**

It is hereby declared unlawful for any person to drive any nails or tacks into the telephone, telegraph or electric light poles, or into any house or store situated on any sidewalk or street of the municipality, except with the prior permission of the owner.

(Code 1976, § 5-1011)

**Sec. 14-9. Barricade—Driving through.**

No person shall drive any vehicle into or upon any alley or street that has been barricaded by an employee of the municipality.

(Code 1976, § 5-1012)

**Sec. 14-10. Same—Removing.**

No person, other than an employee of the municipality shall remove any barricade which has been erected by the municipality.  
(Code 1976, § 5-1013)

**Secs. 14-11—14-19. Reserved.**

**ARTICLE II. EXCAVATIONS**

**Sec. 14-20. Permit—Required.**

It shall be unlawful for any person, except as provided by public utility franchises, or employees of the municipality in the course of their employment, to open, dig into, remove the surface from or excavate any street, sidewalk, alley, public way or place without first obtaining a permit therefor from the mayor.  
(Code 1976, § 5-1021)

**Sec. 14-21. Same—Application.**

The application for an excavation permit shall contain such information as the mayor deems necessary.  
(Code 1976, § 5-1022)

**Sec. 14-22. Regulations authorized.**

In granting an excavation permit, the mayor may impose reasonable regulations, including but not limited to:

- (1) The manner of making the excavation.
- (2) The location of the excavation.
- (3) Protection of underground utility installations.
- (4) The duration of the excavation.
- (5) Required safety precautions, such as barricades, lights, warning devices, etc.
- (6) The extent and size of the excavation.
- (7) Steps to be taken to protect nearby property owners.

(Code 1976, § 5-1023)

**Sec. 14-23. Assets or insurance required.**

The applicant for an excavation permit shall submit satisfactory evidence that such applicant has sufficient assets or insurance to indemnify the municipality for any costs, losses or liabilities that it may incur by reason of such excavation, and to satisfy any judgments or liabilities arising out of the excavation.  
(Code 1976, § 5-1024)

**Sec. 14-24. Backfilling and resurfacing.**

It shall be the duty of the person making any excavation hereunder to fill the excavation and restore the surface to a condition at least equal to the surface prior to the excavation. If so required by the mayor, the person making an excavation shall furnish a bond, deposit or other security sufficient to assure compliance with this section; provided, however, that the municipality may elect to fill and resurface the excavation and charge the cost thereof against the person making the excavation.  
(Code 1976, § 5-1025)

**Sec. 14-25. Inspections required; fee.**

All excavations except those backfilled and resurfaced by the municipality shall be inspected and approved by the municipality before and after backfilling and before and after resurfacing. A fee as fixed from time to time by the governing body for making such inspections may be charged.  
(Code 1976, § 5-1026)





Chapter 15  
**SUBDIVISIONS**





**Sec. 15-1. Definitions.**

For the purposes of this chapter, the following terms shall have the respective meanings ascribed to them:

*Alley:* Any public space or thoroughfare twenty (20) feet or less in width which has been dedicated or deeded for public use.

*Block:* A parcel of land entirely surrounded by streets, streams, railroad rights-of-way, parks or other public spaces or by a combination thereof.

*Building setback line:* The line indicating the minimum horizontal distance between the street line and the face of the buildings.

*Crosswalkway:* A public right-of-way ten (10) feet or more in width between property lines which provides pedestrian access to adjacent properties.

*Development:* The act of installing site improvements and building structures.

*Engineering plans:* The drawings on which the proposed subdivision improvements are shown and which, if approved, will be used for construction of the improvements.

*General subdivision plan:* The preliminary map or drawing on which the proposed layout of a subdivision is submitted to the governing body for consideration and tentative approval.

*Improvements:* Street surfacing, with curb and gutter, sidewalks, water mains, sanitary sewers, storm sewers, utilities and monuments.

*Lot:* A portion of a subdivision intended as a unit for transfer of ownership or for development.

*Reserve strip:* The strip of land smaller than a lot retained in private ownership for the purpose of controlling access to land dedicated or intended to be dedicated to street or other public use.

*Right-of-way:* A grant by the owner of the use of a strip of land by others for specific purposes.

*Roadway:* The portion of a street available for vehicular traffic; where curbs are laid, the portion between curbs.

*Sidewalk:* The portion of a street or crosswalkway, paved or otherwise surfaced, intended for pedestrian use only.

*Sketch plan:* The sketch plan or drawing showing the general design of a proposed subdivision.

*Street:* A public right-of-way which provides vehicular and pedestrian access to adjacent properties.

- (1) *Major street:* A street, existing or planned, which serves or is intended to serve as a principal trafficway and which is designated on the major street plan as a limited access highway, major street, parkway or other term to identify those streets comprising the basic structure of the street system of the municipality.
- (2) *Marginal access street:* A street running parallel to and adjacent to or in the immediate vicinity of a major street and which has as its principal purpose the relief of such major street from the local service of abutting properties.
- (3) *Collector street:* A street, existing or planned, which serves or is intended to serve as a secondary trafficway, collecting traffic from minor streets and feeding it into major streets or to important generators of traffic.
- (4) *Minor street:* A street of limited continuity which serves or is intended to serve the local needs of a neighborhood.
- (5) *Closed-end street:* A short street having one end open to traffic and being terminated at the other end with a vehicular turnaround.

*Subdivider:* Any person, or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as defined herein.

*Subdivision:* The division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites or other division of land for the purpose, whether immediate or future, of sale or building development. The term includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. For the purposes of these regulations divisions of land for agricultural purposes, when the resulting parcels are five (5) acres or larger in size, shall not be deemed to be subdivisions of land.

*Tentative approval:* The approval by the governing body of the general subdivision plan or plat as such approval is required by these regulations.

(Code 1976, § 12-2001)

**Sec. 15-2. General procedure for approval of plat and construction plans.**

The governing body has an overall plan developed for the municipality. One (1) part of this plan will provide complete and very detailed subdivision regulations to be adhered to. However, it will be one (1) to two (2) years before this final plan is complete and adopted. In the meantime, the following procedures and regulations shall be followed in order to provide a more orderly and harmonious development of the municipality.

(Code 1976, § 12-2002)

**Sec. 15-3. Plats.**

Three (3) copies of the plat for a proposed subdivision shall be submitted to the governing body prior to preparation of construction plans. The governing body will review the plat to determine if it meets all requirements and will notify the developer of its approval or disapproval or may require recommended changes. If required, the developer shall make all necessary changes and resubmit the plat to the governing body for approval.

(Code 1976, § 12-2003)

**Sec. 15-4. Construction plans.**

Three (3) copies of the proposed construction plans for streets and of the layout design for all utilities shall be submitted by the developer to the governing body prior to the beginning of construction. The governing body will review the plans to determine if they meet all requirements and will notify the developer of its approval, disapproval or recommended changes. If required, the developer shall make all necessary changes and resubmit the plans to the governing body for approval. This applies only to subdivisions developed after the effective date of the ordinance from which this chapter is derived and in no way affects the provisions of franchise rights granted prior to such effective date.

(Code 1976, § 12-2004)

**Sec. 15-5. Subdivisions design standards.**

(a) *Streets:*

(1) *Street layout:* The street layout shall be devised for the most advantageous development of the entire neighborhood in which the land to be subdivided is located. Existing streets that abut the subdivisions shall be continued, and the continuations shall be at least as wide as the existing streets and in alignment with them. The street layout shall also provide for the future projection into unsubdivided adjoining lands.

(2) *Street drainage:* All streets shall be designed with curb and gutter underground drainage, or alternatively, with a minimum thirty-six-foot crown and twelve-foot side slopes with six (6) to one (1) ratio valley drains.

(3) *Curvature of streets:* The minimum radius of curvature of streets on the centerline shall be:

- Major street . . . . . 600 feet
- Collector street . . . . . 300 feet
- Minor street . . . . . 100 feet
- Closed-end street . . . . . 100 feet

(4) *Street grades:* Street grades shall conform in general to the terrain and shall be sufficient for adequate surface drainage.

(5) *Right-of-way widths:* The minimum right-of-way widths for streets, alleys, and crosswalkways shall be:

- Major streets . . . . . 100 feet
- Marginal access street . . . . . 60 feet
- Collector street . . . . . 60 feet
- Minor street . . . . . 50 feet
- Closed-end street . . . . . 50 feet
- Turnaround right-of-way diameter . 100 feet
- Alley . . . . . 20 feet
- Crosswalkway . . . . . 10 feet

(6) *Roadway and sidewalk widths:* The minimum roadway widths for streets and alleys

and the minimum sidewalk widths for streets and crosswalkways shall be: (street widths are given for back of curb to back of curb)

*Major street:* Width as determined by the governing body.

	Concrete	Asphalt or bituminous
Marginal access street	24	22
Collector street	26	22
Minor street	26	22
Closed-end street	24	22
(Turnaround roadway diameter)	80	80
Alley	20	20
Collector street Sidewalk	5	5
Other sidewalk	4	4

- (7) *Curb radii:* Curb radii shall be not less than twenty-five (25) feet. Where an angle of intersection of less than sixty (60) degrees is permitted, curb radii shall be increased as necessary to insure safety.

(b) *Lots:*

- (1) *Size and shape of lots:* The size, width, depth, shape and orientation of lots and the minimum building setback lines shall be appropriate to the location of the subdivision and the type of the development and use contemplated. Every lot shall contain a suitable building site.

- (2) *Minimum dimensions:* Lots for residential use shall be at least fifty (50) feet wide at the building setback line and shall contain at least the following area:

Where served by the municipal or an approved private water supply system and sanitary sewerage system . . . . . 6,000 sq. ft.

Where served by the municipal or an approved private water supply system but not by the municipal or an approved private sanitary sewerage system . . . . . 15,000 sq. ft.

Where served by neither the municipal nor an approved private water supply system nor sanitary sewerage system . . . . . 20,000 sq. ft.

For the purpose of this regulation, individual wells and individual sewer disposal systems are not considered to be approved private water supply and approved private sanitary sewer system.

- (3) *Maximum depth:* The maximum depth of any lot, exclusive of unusable land, shall be three and five-tenths (3.5) times the width of the lot at the building setback line.

- (4) *Lot to abut on a street:* Every lot shall abut upon a dedicated street for at least twenty-five (25) feet.

- (5) *Corner lots:* Corner lots for residential use shall be increased in width over the minimum specified herein so that front yard distance can be provided on both streets, and the building setback line shall be so located.

- (6) *Property lines at corners:* Where necessary by reason of curb radii, property lines at street intersection corners shall be arcs having radii of at least ten (10) feet or shall be cords of such arcs.

- (7) *Side lines of lots:* Side lines of lots shall be approximately at right angles or radial to the street line.

- (8) *Double frontage lots:* Double frontage lots will be permitted only where necessary to provide separation of residential development from major streets or to overcome specific disadvantages of topography and orientation. A buffer park strip at least ten (10) feet wide and across which there shall be no right of access shall be provided along the line of lots abutting such major streets or disadvantageous use.

(c) *Public spaces:*

- (1) *Utility rights-of-way:* Rights-of-way for public utilities shall be at least twelve (12) feet wide, preferable six (6) except where unusual circumstances make street side construction more desirable. The width of rights-of-way shall be increased, or they shall be extended, where necessary to provide space for utility pole bracing or other construction. No new half-right-of-way for utilities shall be plotted.

- (2) *Drainage rights-of-way:* Rights-of-way for watercourses, drainage ways or streams shall conform substantially with the line of such watercourse and shall have such further width or construction, or both, as will be adequate for the purpose. Paralleled streets or parkways may be required in connection with open drainage ways.

(Code 1976, § 12-2005)

**Sec. 15-6. Improvement design standards.**

(a) *General requirements:* Street, utility and other improvements shall be installed and other improvements shall be installed in each new subdivision in accordance with the standards and requirements specified herein. Improvements required by the regulations shall be made in accordance with the specifications and subject to the approval of the governing body, the director of the parish health unit, the utility agencies or companies concerned with the tract or adjacent tracts, and other appropriate authorities.

(b) *Required improvements:*

- (1) *Monuments:* Lot and block corners shall be marked with iron pipes at least one-half inch in diameter and sixteen (16) inches long. Angle points, points or curves in streets, the out boundary corners of the subdivisions and intermediate points as required by the governing body shall be marked with either concrete blocks six (6) inches square and thirty (30) inches long, or with iron pipes two (2) inches in diameter and four (4) feet long.
- (2) *Roadways:* Roadways shall be constructed with integral type curb for concrete streets, and with curb and gutter for asphalt and bituminous streets, with thirty-six-foot crown and twelve-foot side slopes with six (6) to one (1) ratio valley drains. The minimum acceptable surfacing shall be one and one-half (1½) inches; the three-course bituminous surface treatment, which shall comply with section 505 of the state department of highways standard specifications, on six (6) inches of compacted sand, clay, gravel base; two and one-half (2½) inches of hot mix asphalt on six (6) inches of compacted

sand, clay, gravel base, or six (6) inches of concrete on stabilized or compacted soil. In all events, roadways constructed in new subdivisions or in expansions of existing subdivisions shall be equal in design and quality to those roadways presently being maintained by the municipality. Minimum physical compaction requirements shall be as follows:

- Subgrade (top 6 inches) 95%(AASHO T-99)
- Sand clay gravel base 95%(AASHO T-180)
- Asphalt or bituminous three course surface treatment complying with section 505 of state department of highways
- Standard specifications 95% minimum of briquette density (75 blow)

Asphalt or bituminous-control bin samples shall be run each day the plant is in operation.

One (1) briquette shall be obtained and density determined for each five hundred (500) linear foot of roadway.

- (3) *Drainage:* All drainage shall be accomplished by underground conduits, and shall be collected from the roadway by means of catch basins, or, alternatively, drainage may be provided in the manner specified in section 15-5(a)(2) hereinabove, to-wit: with twelve-foot side slopes on six (6) to one (1) fall ratio. If underground drainage is utilized, surface water shall not be allowed to run over three hundred (300) feet along the street gutter.
- (4) *Water supply:* Where the municipal water supply is not accessible to all lots, the subdivider shall install a water supply system in accordance with the requirements and under the supervision of the governing body and director of the parish health unit. The system shall include adequate capacity for fire protection. Minimum line size shall be six (6) inches with a maximum length of six hundred (600) feet being fed from an eight-inch or larger main.

- (5) *Sanitary sewerage:* Where a public sanitary sewer is reasonably accessible, the subdivider shall install a sanitary sewer system with a stub-out for each lot in the proposed subdivision and shall connect such system to the public sewer. To avoid cutting pavement or roadway when connections are made, stub-outs shall extend from the sewer line to points outside the roadway. All sewer work shall be done in accordance with the state department of health and human resources requirements.
  - (6) *Gas lines:* To avoid cutting pavement or roadway when service connections from the gas main are made, stub-outs shall extend from the main to points outside the roadway.
  - (7) *Aboveground utilities:* Aboveground utilities shall normally be placed on rear or side property lines of lots along rights-of-way provided for this purpose. Existing franchise rights are not affected by this requirement and special consideration will be given to street lighting requirements and unusual circumstances.
  - (8) *Street signs:* Each intersection shall have signs on diagonally opposite corners identifying the streets which form the intersection. Construction and installation of street signs shall be in accordance with the requirements of the governing body.
- (Code 1976, § 12-2006)

**Sec. 15-7. Acceptance of subdivision.**

After all improvements have been completed, the governing body shall be notified and will make a final inspection of the subdivision. If all items conform to all requirements, the subdivision streets and municipal utilities therein will be approved for perpetual maintenance by the municipality. If not, the subdivider will be notified as to what needs to be done prior to acceptance.

(Code 1976, § 12-2007)









Chapter 16

**TRAFFIC\***

- Art. I. In General, §§ 16-1-16-19  
Art. II. Parking, §§ 16-20-16-26

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\*Cross references—Vehicles in cemeteries, § 5-8(c); litter thrown from vehicles, § 8-5; truck loads causing litter, tracking mud, § 8-6; interference of vegetation with sight, § 8-14; simple obstruction of highway, § 12-72; obstruction of streets, § 14-2 et seq.; abandoned, etc. vehicles, § 8-30 et seq.; jacked up automobiles, etc., constituting menace to children, § 9-4; reckless driving, § 12-48; hit and run while driving, § 12-49; barricades, §§ 14-9, 14-10; creation of noise by vehicles, § 9-2(b)(1), (5), (7), (10), (12).



## ARTICLE I. IN GENERAL

### Sec. 16-1. Highway Regulatory Act—Adopted.

Pursuant to the authority conferred by R.S. 32:41(c) there are hereby adopted the provisions of R.S. Title 32, Chapter 1 (Louisiana Highway Regulatory Act), and all regulations of the state department of transportation and development and the secretary of the department of public safety adopted pursuant thereto, except for such provisions and regulations as by their nature can have no application in the municipality, and except as otherwise provided in this Code.  
(Code 1976, § 9-1001)

### Sec. 16-2. Same—Penalty for violation.

Any person violating the provisions of the state highway regulatory act as amended shall upon conviction be punished as provided in section 1-8 of this Code.  
(Code 1976, § 9-1002)

### Sec. 16-3. Supervision, regulation, etc., by police chief—Generally.

The chief of police shall supervise and regulate all traffic on the public streets of the municipality; enforce the provisions of this chapter; investigate the public highways and effect methods and practices relative thereto as in such officer's judgment and experience are deemed advisable; and enforce them as an exercise of the police power of the municipality.  
(Code 1976, § 9-1003)

### Sec. 16-4. Same—Making and enforcing regulations, permanent and temporary.

The chief of police is hereby empowered to make and enforce regulations necessary to make effective the provisions of this chapter and to make and enforce temporary regulations to cover emergencies and special conditions.  
(Code 1976, § 9-1004)

### Sec. 16-5. Same—Authority to place traffic-control devices.

The chief of police is authorized and directed to

place and maintain or cause to be placed and maintained all traffic-control devices necessary.  
(Code 1976, § 9-1005)

State law reference—Requirements, R.S. 32:235.

### Sec. 16-6. Free flow of traffic; obstruction prohibited.

All persons of these are prohibited from engaging in driving procedures which obstruct the free flow of traffic in, around, over and through the streets and other public ways of the municipality. Any person is prohibited from stopping such person's vehicle (except at a stop signal or stop sign, or to honor another driver's right-of-way, or in an emergency situation) in such a manner as to obstruct the free and orderly flow of traffic by such maneuver, or to engage in unduly slow driving procedures so as to obstruct the free flow of traffic or to needlessly "circle the block" or dawdle, or make unnecessarily rapid accelerations and decelerations or to in any other manner constitute a traffic nuisance or hazard.  
(Code 1976, § 9-2001)

Cross reference—Obstructing streets, §§ 12-72, 14-2 et seq.

### Sec. 16-7. Speed limits established.

(a) No person shall operate any motor vehicle or tractor upon any of the streets and highways of the municipality at a greater speed than is reasonable and proper having regard to the width, traffic, and use thereof, or so as to endanger the property or life or limb of any person.

(b) The speed limits for the streets or portions of streets within the municipality are hereby established for those streets, or portions of streets listed in speed limit schedule on file in the clerk's office and hereby incorporated herein.  
(Code 1976, § 9-2002)

### Sec. 16-8. Traffic signals at certain intersections.

Official traffic-control signals shall be erected (or if heretofore erected are hereby ratified) at the intersections listed in traffic-control signal schedule on file in the clerk's office and hereby incorporated herein. Traffic at such designated intersections shall be directed by such signals.  
(Code 1976, § 9-2003)

**Sec. 16-9. One-way streets established.**

Upon those streets and parts of streets and in those alleys listed and described in schedule on file in the clerk's office and hereby incorporated herein, vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited.

(Code 1976, § 9-2004)

**Sec. 16-10. U-turns prohibited in portions of certain streets.**

No operator of any motor vehicle shall make a U-turn at any place where such turns are prohibited in schedule on file in the clerk's office and hereby incorporated herein.

(Code 1976, § 9-2005)

**Sec. 16-11. Left and/or right turns prohibited at certain intersections.**

It shall be unlawful for the operator of any motor vehicle, traveling upon the first-named highway at any of the intersections specified in left-turn and right-turn schedule on file in the clerk's office and hereby incorporated herein, in the direction or directions therein indicated in each case, to make a left turn and/or right turn at such intersection, as therein indicated.

(Code 1976, § 9-2006)

**Sec. 16-12. Stop intersections established.**

The intersections specified in schedule of stop intersections on file in the clerk's office and hereby incorporated herein, are established as stop intersections, and official stop signs shall be erected (or are hereby confirmed if heretofore erected) in such a position as to face traffic approaching the second-named street upon the first-named street, in the direction or directions therein indicated. All motor vehicles approaching any such intersection upon the first-named street in the direction or directions therein indicated in each case, shall come to a full stop, within a reasonable distance, before entering any such intersection.

(Code 1976, § 9-2007)

**Sec. 16-13. Yield right-of-way intersections established.**

The intersections specified in schedule of yield right-of-way intersections on file in the clerk's office and hereby incorporated herein, are established as yield right-of-way intersections and official yield signs shall be erected (or are hereby ratified if heretofore erected) in such a position as to face traffic approaching the second-named street from the first-named street, in the direction or directions therein indicated. All vehicles and tractors approaching any such intersection upon the first-named street, in the direction or directions therein indicated, shall yield the right-of-way to any motor vehicle in the intersection or approaching on the second-named street so closely as to constitute an immediate hazard during the time that the operator of such vehicle or tractor is moving across or within such intersection.

(Code 1976, § 9-2008)

**Sec. 16-14. Vehicle weight limits established.**

It shall be unlawful for any person to operate on any street of the municipality any motor vehicle, or other vehicle, tractor, trailer, or tractor-trailer combination, having an aggregate or gross weight equal to or greater than the weight specified for such vehicle in schedule of weight limits on file in the clerk's office and hereby incorporated herein, on the streets and/or highways or portions of streets and highways respectively described therein.

(Code 1976, § 9-2009)

**Sec. 16-15. Liability insurance.**

Every self-propelled motor vehicle operated on the streets, highways, alleys, and other public thoroughfares of the municipality, except those motor vehicles used primarily for exhibit or kept primarily for use in parades, exhibits, or shows, shall be covered by an automobile liability policy with liability limits of at least ten thousand dollars (\$10,000.00) for bodily injury to or death of one (1) person in any one (1) accident; twenty thousand dollars (\$20,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident; and ten thousand dollars (\$10,000.00) because of injury to or destruction of

property of others in any one (1) accident, or by a binder for insurance of such limits, or by a motor vehicle liability bond as defined in R.S. 32:861B, Louisiana Revised Statutes or by a certificate of the state treasurer stating that cash or securities have been deposited with such treasurer as provided in R.S. 32:861C, or by a certificate of self insurance as provided by R.S. 32:1042.  
(Code 1976, § 11-1059A; Ord. No. 463, 9-9-85)

**Secs. 16-16–16-19. Reserved.**

## ARTICLE II. PARKING

### **Sec. 16-20. Vehicles to be parked within marked spaces.**

Wherever a space shall be marked off on any highway for the parking of an individual vehicle, every vehicle there parked shall be parked within the lines bounding such space.  
(Code 1976, § 9-3001)

### **Sec. 16-21. Parking prohibited at all times in certain locations.**

It shall be unlawful for the owner or operator of any motor vehicle or other vehicle to park such vehicle in any of the places on the streets and alleys of the municipality specifically designated in no-parking schedule on file in the clerk's office and hereby incorporated herein.  
(Code 1976, § 9-3002)

### **Sec. 16-22. Parking prohibited in certain locations, certain days and hours.**

It shall be unlawful for the owner or operator of any motor vehicle or other vehicle to park such vehicle in any of the places on the days and between hours indicated and specified in restricted parking schedule on file in the clerk's office and hereby incorporated herein.  
(Code 1976, § 9-3003)

### **Sec. 16-23. Parking time limited in certain locations, certain days and hours.**

It shall be unlawful for the owner or operator of any motor vehicle or other vehicle to park such vehicle or allow the same to remain parked in any

of the places on the streets and alleys of the municipality, at any time on the days and between the hours indicated and specified in limited parking schedule on file in the clerk's office and hereby incorporated herein.  
(Code 1976, § 9-3004)

### **Sec. 16-24. Special purpose parking zones established, parking otherwise prohibited.**

It shall be unlawful for the owner or operator of any motor vehicle or other vehicle to park such vehicle or allow the same to remain parked in any locations on the streets and alleys of the municipality established and designated as special purpose parking zones indicated and specified in special purpose parking zones schedule and hereby incorporated herein.  
(Code 1976, § 9-3005)

### **Sec. 16-25. Parking vehicle for attempted sale.**

All persons are prohibited from leaving or parking any used vehicles for sale on the streets of the municipality or from parking or leaving any new vehicle for sale on the streets of the municipality except on the sides of those streets adjoining the lots used or owned by the owner of such vehicles.  
(Code 1976, § 11-2010)

### **Sec. 16-26. Reserved parking spaces for mobility impaired persons.**

(a) The chief of police, or his designee, hereby is authorized to designate areas on public streets and in publicly owned parking facilities which are to be reserved for the exclusive use of vehicles bearing a special license plate or displaying a parking card.

(b) Owners, lessees, or their designee, of privately owned parking areas may designate certain spaces within those parking areas which are to be reserved for the exclusive use of vehicles bearing a special license plate or displaying a parking card.

(c) It shall be unlawful for any person to park a vehicle other than one bearing a special license

plate or displaying a parking card in an area, either publicly owned or privately owned, which has been designated as being reserved for the exclusive use of vehicles bearing a special license plate or displaying a parking card.

(d) Any person who parks in an area, either publicly or privately owned, which has been designated for the exclusive use of the mobility impaired person, and who does not have a special license plate or parking card shall be fined not more than one hundred dollars (\$100.00). In addition to such fine, the offender shall also be required to pay the towing fee and any storage costs which are incurred.

(e) Any person who utilizes a parking card or a vehicle bearing a special license plate to obtain handicapped parking privileges but who has not transported a mobility impaired person in that vehicle prior to parking the vehicle, may be fined not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) or may be imprisoned for not more than thirty (30) days, or both, and on the second and subsequent offense, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), or shall be imprisoned for not more than sixty (60) days, or both.

(f) Any mobility impaired person who allows his parking card or vehicle bearing a special license plate to be used, when said card or vehicle is used to illegally access special handicapped parking privileges by an individual not entitled to such special handicapped parking privileges shall be fined not less than fifty dollars (\$50.00) nor more than two hundred and fifty dollars (\$250.00), or both, for the first offense. On the second and subsequent offenses, the individual shall be fined not less than two hundred and fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00), or shall be imprisoned not more than thirty (30) days, or both.

(g) For purposes of this section a "special license plate" is defined as a special license plate issued to a mobility impaired person by the Louisiana Department of Safety and Corrections (pursuant to R.S. 47:463.4, or other applicable law) or comparable governmental issuing authority outside the State of Louisiana; a "parking card" is

defined as a parking card issued to a mobility impaired person by the Louisiana Department of Safety and Corrections (pursuant to R.S. 47:463.4, or other applicable law) or comparable governmental issuing authority outside the State of Louisiana, and such parking card is prominently displayed on the dashboard of the driver's side of that vehicle; "handicapped parking privileges" are defined as the right to park a vehicle in an area designated as reserved for the exclusive use of a mobility impaired person.

(h) A motor vehicle bearing a special license plate or displaying a parking card may be parked for a period of two (2) hours in excess of the legal parking period permitted, except where the motor vehicle is parked in such a manner as to clearly be a traffic hazard.

(i) All law enforcement officers of this town, who are invested by law with authority to direct, control, or regulate traffic are authorized to enter upon private property within the town to enforce the provisions of this section.

(j) When a citation has been issued for an alleged violation of the provisions of this section, there shall be a rebuttable presumption that the person in whose name the vehicle is registered was operator of the vehicle when the alleged violation was committed.

(k) Designation of an area as reserved for the exclusive use of vehicles bearing a special license plate or displaying a parking card shall be the signage showing the symbol of accessibility and may, but need not, contain the written designation of "handicapped" or any similar word or phrase commonly understood as indicating mobility impairment. Such signage may also contain a phrase indicating the vehicle is subject to being towed if it is not properly parked in such area, such as "TOW AWAY ZONE," "UNAUTHORIZED VEHICLES WILL BE TOWED," or similar phrase.

(l) No provision of this section shall be construed as superceding, amending or in any other way affecting any other section or provision of this Code which requires provision for or designation of areas reserved for exclusive use of vehicles

bearing a special license plate or displaying a parking card.

(Ord. No. 495, § 1, 12-11-90)

**Editor's note**—Ord. No. 495, § 1, adopted Dec. 11, 1990, did not specifically amend the Code; hence, inclusion herein as § 16-26 was at the discretion of the editor.













**APPENDIX A**  
**ZONING\***  
**(RESERVED)**

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**\*Editor's note**—The comprehensive zoning ordinance, adopted in 1976, and amendments, are not set out herein; they are on file in the office of the municipal clerk.

[The next page is 1473]









## CODE COMPARATIVE TABLE

### 1976 CODE

This table gives the location within this Code of those sections of the 1976 Code, which are included herein. Sections of the 1976 Code, as supplemented, not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature. For the location of ordinances adopted subsequent thereto, see the table immediately following this table.

1976 Code Section	Section this Code	1976 Code Section	Section this Code
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4-2005, 4-2006	13-53, 13-54	10-2011	11-25
4-2007-4-2014	13-56-13-63	10-2012-10-2016	11-31-11-35
4-2016	12-79	10-3001	11-3
4-2018	13-64	10-4001	12-58
4-2021, 4-2022	7-20, 7-21	10-4002	4-3
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7-2011-7-2015	10-40-10-44	11-1032	12-59
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11-1061	12-52
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12-3017	4-2
12-3021-12-3023	4-60-4-62
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**CODE COMPARATIVE TABLE  
ORDINANCES**

This table gives the location within this Code of those ordinances adopted since the 1976 Code, which are included herein. Ordinances adopted prior to such date were incorporated into the 1976 Code, as supplemented. This table contains some ordinances which precede the cut-off date of the old Code, but which were never included in it, as supplemented, for various reasons. Ordinances not listed herein have been omitted as repealed, superseded, obsolete or not of a general and permanent nature.

<b>Ordinance Number</b>	<b>Date</b>	<b>Section</b>	<b>Section this Code</b>
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440	2- 5-79		10-45
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483	4-11-89	1—7	Adopting Ord., p. vii
494	11-13-90	1—8	12-111—12-118
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		Art. 2	7.5-5
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548	11-13-01	1	11-1
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