

CHAPTER 20

CRIMES AND OFFENSES

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ARTICLE 1

GENERAL PROVISIONS

Section 20.1 Citation

This Code may be Cited as the “Village of Folsom’s Criminal Code.”

Section 20.2 Definitions

In this chapter the terms enumerated shall have the designated meanings:

a) Another refers to any person or legal entity, including the State of Louisiana or any subdivision thereof.

b) 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”.

c) 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.

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

e) Person includes a body of persons, whether incorporated or not.

f) Property refers to both public and private property movable and immovable, and corporeal and incorporeal property.

g) Public officer, public office, public employee, or position of public authority means and applied to any executive, ministerial, administrative, judicial, or legislative officer, office, employee or position of authority respectively, of the State of Louisiana or any parish, municipality, district, or other political subdivision. Unless otherwise specified, local references are to those who function in the Village of Folsom, Louisiana.

h) State means the State of Louisiana, or any parish, municipality, district, or other political subdivision thereof, or any agency, board, commission, department or institution of said state, parish, municipality, district or other political subdivision.

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

j) Village means the Village of Folsom or any agency, board, commission, department or institution of same.

Section 20.3 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 word, taken in their usual sense, in connection with the context, and with reference to the purpose of the provisions.

Section 20.4 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.

ARTICLE 2
ELEMENTS OF CRIME

Section 20.5 Crime Defined

A crime is that conduct which is defined as criminal in this chapter.

Section 20.6 Criminal Conduct

Criminal conduct consists of:

- a) An act or a failure to act that produces criminal consequences, and which is combined with criminal intent; or
- b) A mere act or failure to act that produces criminal consequences, where there is no requirement of criminal intent; or
- c) Criminal negligence that produces criminal consequences.

Section 20.7 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 herein.

Section 20.8 Criminal Intent

Criminal intent may be specific or general:

- a) Specific criminal intent is that state of mind, which exists when the circumstances indicate that the offender, in the ordinary course of human experience, must be adverted to the prescribed criminal consequences as reasonably certain to result from his act or failure to act.
- b) 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 be adverted to the prescribed criminal consequences as reasonably certain to result from his act or failure to act.

Section 20.9 Criminal Intent; How Expressed

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."

Section 20.10 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 and expected to be maintained by a reasonably careful man under like circumstances.

ARTICLE 3

CULPABILITY

Section 20.11 Insanity

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

Section 20.12 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:

a) Where the production of the intoxication or drugged condition has been involuntary, and the circumstances indicate this condition is the direct cause of the commission of the crime, the offender is exempt from criminal responsibility.

b) 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.

Section 20.13 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.

Section 20.14 Mistake of Law

Ignorance of the provisions 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:

20.06

- a) Where the offender reasonably relied on an act of this Village in repealing an existing criminal provision, or in otherwise purporting to make the offender's conduct lawful; or
- b) 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 unconstitutional.

Section 20.15 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 the conduct. This defense of justification can be claimed under the following circumstances:

- a) When the offender's conduct is an apparently authorized and reasonable fulfillment of any duties of public office; or
- b) When the offender's conduct is a reasonable accomplishment of an arrest which is lawful under the laws of the State of Louisiana or of this chapter; or
- c) When for any reason the offender's conduct is authorized by law; or
- d) When the offender's conduct is reasonable discipline of minors by their parents, tutors, or teachers; or
- e) When the crime consists of a failure to perform an affirmative duty and the failure to perform is caused by physical impossibility; or
- f) 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
- g) When the offender's conduct is in defense of persons or of property under any of the circumstances described in Articles 19 through 22 of the Louisiana Criminal Code.

Section 20.16 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.

Section 20.17 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 he withdraws from the conflict in good faith in such a manner that his adversary knows or should know that he desires to withdraw and discontinue the conflict.

Section 20.18 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 himself, and when it is reasonably believed that such intervention is necessary to protect the other person.

Section 20.19 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.

Section 20.20 Attempt

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 his object, is guilty of an attempt to commit the offense intended; and it shall be immaterial whether, under the circumstances, he would have actually accomplished his purpose.

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.

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.

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.

ARTICLE 4

OFFENSES AGAINST THE PERSON

Section 20.21 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.

Section 20.22 Simple Battery

It shall be unlawful for any person to commit the crime of simple battery. Simple battery is a battery, without the consent of the victim, committed without a dangerous weapon.

Section 20.23 Assault Defined

Assault is an attempt to commit a battery, or the intentional placing of another in reasonable apprehension of receiving a battery.

Section 20.24 Simple Assault

It shall be unlawful for any person to commit the crime of simple assault. Simple assault is an assault committed without a dangerous weapon.

Section 20.25 Aggravated Assault

It shall be unlawful for any person to commit the crime of aggravated assault. Aggravated assault is an assault committed with a dangerous weapon.

Section 20.26 Negligent Injuring

It shall be unlawful for any person to commit the crime of negligent injury. Negligent injury is the inflicting of any injury upon the person of another by criminal negligence.

The violation of an ordinance shall be considered only as presumptive evidence of such negligence.

Section 20.27 False Imprisonment

It shall be unlawful for any person to commit the crime of false imprisonment. False imprisonment is the intentional confinement or detention of another, without his consent and without proper legal authority.

ARTICLE 5

OFFENSES AFFECTING PROPERTY RIGHTS

Section 20.28 Criminal Damage to Property

It shall be unlawful for any person to commit the crime of criminal damage to property. Criminal damage to property is the intentional damaging of any property of another, without the consent of the owner.

Section 20.29 Criminal Mischief

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

- a) 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
- b) Giving of any false alarm of fire; or
- c) Driving of any tack, nail, spike or metal over one and one-half 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
- d) The felling, topping or pruning of trees or shrubs within the right of way of a state highway, without prior written approval of the Director of the Department of Highways or his representative, provided prior written approval is not required for agents or employees of public utility companies in the situations of emergency where the person or property of others is endangered; or
- e) Giving of any false report or complaint to a sheriff, or his deputies, or to any officer of the law relative to the commission of, or an attempt to commit, a crime; or
- f) Taking temporary possession of any part or parts of a place of business, or remaining in a place of business after the person in charge of such business or portion of such business has ordered such person to leave the premises and to desist from the temporary possession of any part or parts of such business; or
- g) Acting in such a manner as to annoy, disturb, interfere with, obstruct, or be offensive to others; or
- h) Congregating with others on a public street and refusing to move on when ordered by the police; or

i) Interfering with any person in any place by jostling against such person, or unnecessarily crowding him or by placing a hand in the proximity of such person's pocketbook or handbag; or

j) Throwing any stone or any other missile in any street, avenue, alley, road, highway, open space of public square or enclosure, or throwing any stone or other missile from any place into any street, avenue, road highway, alley, open space, public square or enclosure.

Section 20.30 Criminal Trespass

a) It shall be unlawful for any person to commit the crime of criminal trespass. Criminal trespass is:

(1) The unauthorized and intentional taking possession of any tract of land or structure thereon 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 acre which is posted but not enclosed, unless said 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 said waterway without violating the provisions of (2).

b) For 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 said signs shall contain the words, "Posted", or "Private Property", or words to that effect.

(b) The signs shall have letters at least five inches in height and shall be of sufficient size and clarity to give notice to the public of the location and boundary of 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 but not more than nine feet above the ground or water level.

(c) At the main entrance to the property and at no less than four extremities along the boundary of said property the party seeking to post same shall include his 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 be fenced with not less than three strand wire, or its equivalent.

(e) In marshlands, 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.

Natural Barriers include:

- (a) The Gulf of Mexico,
- (b) Lakes or ponds or other bodies of water which hold water during twelve months of the year.
- (c) Any river, stream, bayou or canal in which water is held or runs during twelve months of the year.
- (d) Other similar natural barriers.

Artificial Barriers include:

- (e) Any wall or wire, stone, metal or wooden fence,
 - (f) Any cattle-guard being used as part of a fence, or
 - (g) Other similar barriers.
- (3) "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".

Section 20.32 Illegal Posting

It shall be unlawful for any person to commit the crime of illegal posting. Illegal posting is the posting or the placing and/or maintaining of posted signs on property by anyone other than:

- a) The owner or his duly authorized agent or representative.
- b) The lessee or his duly authorized agent or representative.

Section 20.32 Destruction, Defacing or Removing of Posted Signs

It shall be unlawful for any person to intentionally and without authority destroy, deface or remove posted signs, or signs designating or purporting to designate the boundary lines of immovable property.

Section 20.33 Entry on or Remaining in Places After Being Forbidden

It shall be unlawful for any person without authority of laws to go into or upon or remain in or upon any structure, water craft or any other movable which belongs to another, including public buildings and structures, ferries and bridges, or any part, portion or area hereof, after having been forbidden to do so, either orally or in writing, including by means of any sign hereinafter described, by any owner, lessee, or custodian of the property or by any other authorized person. 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. For the purpose of this section, the above-mentioned sign means a sign or signs posted on or in the structure, water craft of any other movable, including public buildings and structures, ferries and bridges, or part, portion or area thereof at a place or places where such sign or signs may be reasonably expected to be seen.

Section 20.34 Aiding and Abetting Others to Enter or Remain on Premises Where Forbidden

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

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.

For the purposes of this section, the above mentioned sign

means a sign or signs posted on or in the structure, water craft or any other movable or immovable, including public buildings and structures, ferries and bridges, or part, portion or area thereof, at a place or places where such sign or signs may be reasonably expected to be seen.

Any law enforcement officer investigating a complaint that the provisions of this section are being or have been violated or any such officer making any arrest for violation of the provisions of this section, is hereby vested with authority to require any person involved in such investigation or arrest to identify himself to such officer. Upon demand of such officer, the person involved shall inform the officer of his true name and address.

Section 20.35 Theft

It shall be unlawful for any person to commit the crime of theft. Theft is the misappropriation of taking of anything of value of less than \$100.00, which belongs to another, either without the consent of the owner to the misappropriation or taking or by means of fraudulent conduct, practices or representations. An intent to deprive the owner permanently of whatever may be the subject of the misappropriation or taking is essential.

Section 20.36 Unauthorized use of Movable

It shall be unlawful for any person to commit the crime of unauthorized use of movables. 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.

Section 20.37 Receiving Stolen Things

It shall be unlawful for any person to commit the crime of receiving stolen things. Receiving stolen things is the intentional procuring, receiving, or concealing of anything of value, which has been the subject of any robbery or theft, under circumstances, which indicate that the offender knew or had good reason to believe that the thing was subject of one of these offenses.

Section 20.38 Issuing Worthless Checks

It shall be unlawful for any person to commit the crime of issuing worthless checks. Issuing worthless checks is the

issuing, in exchange for anything of value, whether the exchange is contemporaneous or not, with intent to defraud, of any check, draft or order for the payment of money upon any bank or other depository where the amount of the check, draft, or order is less than \$100.00, 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. This provision shall not apply to payments on installment contract or open accounts.

The offender's failure to pay a check, draft, or order issued for value, within ten days after notice of its nonpayment upon presentation has been deposited by certified mail in the United States mail system addressed to the issuer thereof either at the address shown on the instrument or the last known address of such person shown on the records of the bank upon which such instrument is drawn, shall be presumptive evidence of his intent to defraud.

In addition to any other fine or penalty imposed under this section, the Court may, at its discretion, order as part of the sentence, restitution in the amount of the check or checks.

Section 20.39 Littering

It shall be unlawful for any person to commit the crime of littering. Littering is the placing, throwing or depositing of trash, debris or deleterious material or substance by any person on public or private property without proper consent of the occupant of the private property or the owner if there is no occupant present. It is not necessary that the deposited substance be trash, debris or deleterious by its nature if its presence is offensive to a person of ordinary sensibility or tends to constitute a hazard. This provision shall include, without limiting the application hereof, the throwing of paper containers, bottles and beer cans on public property or the property of another, except in containers provided for the deposit of such materials.

ARTICLE 6

OFFENSES AFFECTING THE PUBLIC MORALS

Section 20.40 Prostitution

It shall be unlawful for any person to commit the crime of prostitution. Prostitution is the practice by a female of indiscriminate sexual intercourse with males for compensation.

Section 20.41 Soliciting for Prostitutes

It shall be unlawful for any person to commit the crime of soliciting for prostitutes. Soliciting for prostitutes is the

soliciting, inviting, inducing, directing, or transporting a person to any place with the intention of promoting prostitution.

Section 20.42 Letting Premises for Prostitutes

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

Section 20.43 Letting Premises for Obscenity

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

Section 20.44 Gambling

It shall be unlawful for any person to commit the crime of gambling. Gambling is 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.

Section 20.45 Obscenity

a) It shall be unlawful for any person to commit the crime of obscenity. The crime of obscenity is the intentional:

(1) Exposure of the genitals, pubic hair, anus, vulva or female breast nipples in any location or place open to the view of the public or the people at large such as a street, highway, neutral ground, sidewalk, park, beach, river bank or other place or location viewable therefrom with the intent of arousing sexual desire.

(2) Participation or engagement in, or management, production, presentation, performance, promotion, exhibition, advertisement, sponsorship or display of, hard core sexual conduct when the tier of fact determines that the average person applying contemporary community standards would find that the conduct, taken as a whole, appeals to the prurient interest; and the hard core sexual conduct, as specifically defined herein, is presented in a patently offensive way; and the conduct taken as a whole lacks serious literary, artistic, political or scientific value.

Hard core sexual conduct is the public portrayal, for its own sake, and for ensuing commercial gain of:

(a) Ultimate sexual acts, normal or perverted, actual, stimulated or animated, whether between human beings, animals or an animal and a human being; or

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

(c) Sadomasochistic abuse, meaning actual, simulated or animated, flagellation or torture by or upon a person who is nude or clad in undergarments or in a costume which reveals the pubic hair, anus, vulva, genitals or female breast nipples, or the condition of being fettered, bound or otherwise physically restrained, on the part of one so clothed; or

(d) Actual, simulated or animated, touching, caressing or fondling of, or other similar physical contact with, a pubic area, anus, female breast nipple, covered or exposed, whether alone or between humans, animals or a human and an animal, of the same or opposite sex, in an act of apparent sexual stimulation or gratification; or

(e) Actual, simulated or animated stimulation of a human genital organ by any device whether or not the device is designed manufactured and marketed for such purpose.

(3) Sale, allocation, consignment, distribution, dissemination, advertisement, exhibition or display of obscene material, or the preparation, manufacture, publication or printing of obscene material for sale, allocation, consignment, distribution, advertisement, exhibition or display.

Obscene material is any tangible work or thing, which the tier of fact determines

(a) that the average person applying contemporary community standards would find, taken as a whole, appeals to the prurient interest; and

(b) depicts or describes in a patently offensive way, hard core sexual conduct specifically defined in (2) above; and

(c) the work or thing taken as a whole lacks serious literary, artistic, political or scientific value.

(4) Requiring as a condition to a sale, allocation, consignment or delivery for resale of any paper, magazine, book, periodical or publication to a purchaser or consignee that such purchaser or consignee also receive or accept any obscene material, as defined in (3) above, for resale, distribution, display, advertisement or exhibition purposes; or denying or threatening to deny a franchise to, or imposing a penalty on or against, a person by reason of his refusal to accept, or his return of, such obscene material.

(5) Solicitation or enticement of an unmarried person under the age of seventeen years to commit any act prohibited by (1) (2) or (3) above.

(6) Advertisement, exhibition or display of violent material. "Violent material" is any tangible work or thing which

the tier of facts determines depicts actual or simulated patently offensive acts of violence, including but not limited to, acts depicting sadistic conduct, whippings, beatings, torture and mutilation of the human body.

(b) Lack of knowledge of age or material status shall not constitute a defense.

(c) No theatre employee or bookstore employee acting within the course and scope of a bona fide contract of employment wherein such employee is employed by any person, firm or corporation exhibiting motion pictures or selling books, periodicals or other published materials pursuant to a license or permit to exhibit or sell the same issued by the State of Louisiana or any municipality, parish or consolidated city-parish government therein, shall be guilty of a violation of this section as a result of his possession, exhibition or sale within the course and scope of such employment provided such employee has no managerial duties and has no financial interest in the possession, exhibition or sale of any materials other than wages from his said employment, unless there is no person having managerial duties or a financial interest in the possession, exhibition or sale of obscene material subject to immediate arrest or prosecution.

(d) The provisions of this section do not apply to recognized and established schools, churches, museums, medical clinics, hospitals, physicians, public libraries, governmental agencies, quasi-governmental sponsored organizations and persons acting in their capacity as employees or agents of such organization.

For the purpose of this paragraph, the following words and terms shall have the respective meaning defined as follows:

- (1) Recognized and established schools means schools having a full time faculty and pupils, gathered together for instruction in a diversified curriculum.
- (2) Churches means any church, affiliated with a national or regional denomination.
- (3) Physicians means any licensed physician or psychiatrist.
- (4) Medical clinics and hospitals mean any clinic or hospital of licensed physicians or psychiatrist used for the reception and care of the sick, wounded or infirm.

e) (1) Except for those motion pictures, printed materials and photographic material showing actual ultimate sexual acts or simulated or animated ultimate sexual acts when there is an explicit, close-up depiction of human genital organs so as to give the appearance of the consummation of ultimate sexual acts, no person, firm or corporation shall be arrested, charged or indicted for any violation of a provision of this section until such time as the material involved has first been

the subject of an adversary hearing under the provisions of this section, wherein such person, firm or corporation is made a defendant and, after such material is declared by the court to be obscene, such person, firm or corporation continues to engage in the conduct prohibited by this section. The sole issue at the hearing shall be whether the material is obscene.

(2) The hearing shall be held before the court having jurisdiction over the proceedings within seventy-two hours after receipt of notice by the person, firm or corporation. The person, firm or corporation shall be given notice of the hearing by registered mail or by personal service on the owner, manager or other person having a financial interest in the material; provided, if there is no such person on the premises, then notice may be given by personal service on any employee of the person, firm or corporation of such premises. The notice shall state the nature of the violation, the date, place and time of the hearing, and the right to present and cross-examine witnesses.

(3) The municipality or any defendant may appeal from a judgment. Such appeal shall not stay the judgment. Any defendant engaging in conduct prohibited by this section subsequent to notice of the judgment, finding the material to be obscene, shall be subject to criminal prosecution notwithstanding the appeal from the judgment.

(4) No determination by the court pursuant to this section shall be of any force and effect outside the Village in which made; and no such determination shall be res judicator in any proceeding in any in any other judicial court. In addition, evidence of any hearing held pursuant to this section shall not be competent or admissible in any criminal action for the violation of any other section of this title; provided, however, that in any criminal action, charging the violation of any other section of this title, against any person, firm or corporation that was a defendant in such hearing, involving the same material declared to be obscene under the provisions of this section, then evidence of such hearing shall be competent and admissible as bearing on the issue of scienter only.

Section 20.46 Peeping Tom

It shall be unlawful for any person to perform such acts as will make him a "Peeping Tom" on or about the premises of another, or go upon the premises of another for 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 offense that the "Peeping Tom" be upon the premises of the person being spied upon.

Section 20.47 Keeping a Disorderly Place

It shall be unlawful for any person to commit the crime of keeping 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.

Section 20.48 Letting a Disorderly Place

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

Section 20.49 Unlawful Sales to Minor and Purchases by Minors

It shall be unlawful for any person to make unlawful sales to minors. Unlawful sales to minors is the selling, or otherwise delivering for value by anyone over the age of seventeen 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 twenty-one. Lack of the knowledge of the minor's age shall not be a defense.

It is unlawful for any person under the age of 17 to purchase any alcoholic beverage either of high or low alcoholic content.

It is unlawful for any person over the age of 17 and under the age of 18 to purchase alcoholic beverages either of high or low alcoholic content.

It is unlawful for any adult to purchase on behalf of a person under the age of 18 any alcoholic beverages either of high or low alcoholic content.

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 said dealer under the provisions of Title 26 of the Louisiana Revised Statutes of 1950 as amended.

Section 20.50 Minors Under Seventeen Not to Be Permitted in Pool or Billiard Halls

No person, whether as proprietor, agent, manager, employee, lessee, or otherwise, conducting or carrying on any place where pool or billiard games of any sort are operated, for pay or otherwise, shall allow or permit minors under the age of seventeen year within the place or to be employed therein, or to engage or take part in any game of pool or billiards, or to use or play upon any pool or billiard tables.

Section 20.51 Contributing to Delinquency of Juveniles

It shall be unlawful for any person to contribute to the delinquency of a juvenile.

a) Contributing to the delinquency of juveniles is the intentional enticing , aiding or permitting, by anyone over the age of seventeen, of any child under the age of seventeen, and no exception shall be made for a child who may be emancipated by marriage or otherwise, to:

- (1) Beg, sing, sell any article or play any musical instrument in any public place for the purpose of receiving alms; or
- (2) Associate with the vicious or disreputable persons, or frequent places where the same may found; or
- (3) Visit any place where beverages of either high or low alcoholic content are the principal commodity sold or given away; or
- (4) Visit any place where any gambling device is found, or where gambling habitually occurs; or
- (5) Habitually trespass where it is recognized he has no right to be; or
- (6) Use any vile, obscene or indecent language; or
- (7) Absent himself or remain away, without authority of his parents or tutor, from his home or place of abode; or
- (8) Violate any law of the state or ordinance of any parish or village, of the state; or
- (9) Visit any place where sexually indecent and obscene material, of any nature, is offered for sale, displayed or exhibited.

b) Lack of knowledge of the juvenile's age shall not be a defense.

ARTICLE 7

REGULATION OF VEHICLES

Section 20. 52 Adoption of Highway Regulatory Act of State of Louisiana

a) The Village of Folsom and the governing authority thereof adopt by reference all of the provisions of Chapter 1 of Title 32 of the Revised Statutes of Louisiana, including R.S. 32:1 through 32:399, the same being the Highway Regulatory Act of the State of Louisiana, as well as all regulations of the Department of Highways and the Director of Public Safety adopted pursuant thereto, with respect to all streets, highways or public ways located within the corporate limits of this municipality.

b) Each act or failure to act made an offense when committed upon a state highway, or with respect to operation of a motor vehicle upon a highway of the State of Louisiana in said Regulatory Act and the administrative provisions thereof is made an offense when committed upon with respect to any street in the Village of Folsom. Any person violating such provisions shall be punished as provided in Section 20.4 of this Chapter.

Section 20.53 Reckless Operation of A Vehicle

It shall be unlawful for any person to commit the crime of reckless operation of a vehicle. 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.

Section 20.54 Hit and Run Driving

It shall be unlawful for any person to commit the crime of 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 his identity and to render reasonable aid.

To give his identity, for the purpose of this section, shall mean that the driver of any vehicle involved in any accident shall give his name, address, and the license number of his vehicle, or shall report the accident to the police.

Section 20.55 Regulating the Operation of Motor Vehicles on Parking Lots

a) It shall be unlawful for any person to operate a motor vehicle at a speed in excess of 15 mile per hour on any lot or plot of ground used by a business open to the public for the purpose of parking motor vehicles. This speed limit applies even though a place of business providing the parking lot is closed at the time of the operation of the motor vehicle.

b) It shall be unlawful for any person to operate a motor vehicle on any lot or plot of ground by a business open to the public for the parking of motor vehicles in such manner as to needlessly endanger life or property.

ARTICLE 8

OFFENSES AGAINST THE PUBLIC AND PUBLIC OFFICERS

Section 20.56 Obstruction of Street or Drive

It shall be unlawful to obstruct a street or highway of commerce, or a public, or private drive of another without the authorization of the owner, intentionally or in a criminally

negligent manner, or by placing of anything or performance of any act on any railway, railroad, navigable waterway, road, street, highway, thoroughfare, or runway of an airport, which will render movement thereon difficult, lawful parking accepted.

Section 20.57 Obstruction of Public Passages

It shall be unlawful for any person to willfully obstruct the free, convenient and normal use of any public sidewalk, street, highway, bridge, alley, road, or other passageway, or the entrance, corridor or passage of any public building, structure, water craft or ferry, by impeding, hindering, stifling, retarding or restraining traffic or passage thereon or therein.

This section shall not be applicable to erection of construction of any barricades or other forms of obstructions as a safety measure in connection with construction, excavation, maintenance, repair, replacement or other work, in or adjacent to any public sidewalk, street, highway, bridge, alley, road, or other passageway, nor to the placing of barricades or other forms of obstruction by governmental authorities, or any officer or agent thereof, in the proper performance of duties.

Section 20.58 Escape

It shall be unlawful for any person to commit an escape. The crime of escape is the intentional departure of a person from lawful custody of an officer or from any place where he is lawfully detained by an officer.

Section 20.59 Air Gun

The use, firing, shooting and explosion of "air guns" or "air rifles" and "blow guns" within the corporate limits of this municipality is hereby declared to be a nuisance, and it shall be unlawful for any person to use, fire, shoot, or explode "air guns" or "air rifles" or "blow guns" within the Village limits.

Section 20.60 Discharging Firearms

It shall be unlawful for any person to discharge either in the daytime or nighttime, any firearm within the corporate limits of this Village; except law enforcement officers in the discharge of their duties, and except other persons acting in the necessary defense of life or property.

Section 20.61 Illegal Carrying of Weapons

It shall be unlawful for any person to illegally carry a weapon. Illegal carrying of weapons is;

- a) 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
- b) 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
- c) 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
- d) 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.
- e) The provisions of this section except (d), shall not apply to sheriffs and their deputies, state or city police, constables and town marshals, or persons vested with police power when in the actual discharge of official duties.

Section 20.62 Trash Fires

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, within the municipality limits.

Section 20.63 Obstruction of Fireman

It shall be unlawful for any person intentionally to obstruct any firefighter while in the performance of his official duties. Obstructing a fireman is hereby defined as intentionally hindering, delaying, hampering, interfering with, or impeding the progress of, any regularly employed member of a fire department of any municipality, parish or fire protection district of the State of Louisiana, or any volunteer fireman of the State of Louisiana while in the performance of his official duties; or cursing, reviling or using any opprobrious language directed to any such fireman while in the performance of his official duties. The provision does not attempt to prohibit any obstruction made felonious under the provisions of L.R.S. 24:327.

Section 20.64 Obstruction of Fire Prevention

It shall further be unlawful to interfere with fire prevention by the intentional performance of any of the following acts:

- a) Defacing or destroying fire warning notices or posters.
- b) Injuring, destroying, removing or in any manner interfering with the use of any tools, equipment, towers, buildings or telephone lines used in the detection, reporting or suppression of fire.

Section 20.65 Spitting in Public Place

It shall be unlawful for any person to expectorate or spit upon any sidewalk or on any hall, stairway or floor of any public building or conveyance.

Section 20.66 Defacing Building

It shall be unlawful to deface any building or property within the corporate limits of the municipality, by making signs or figures thereon, or write any indecent or obscene word, words, or sentences on any building, room, hall, closet, wall, or fence.

Section 20.67 Cruelty to Animals

It shall be unlawful for any person to commit the crime of cruelty to animals. 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 said animal.

Section 20.68 Disturbing the Peace

It shall be unlawful for any person to disturb the peace. Disturbing the peace is the doing of any of the following in such manner as would foreseeable disturb or alarm the public:

- a) Engaging in a fistic encounter; or
- b) Address toward another person language which is threatening, profane, obscene, or derisive and which in the manner uttered has a tendency to incite an ordinary addressee to violent retaliatory action and a breach of the peace.
- c) Appearing in an intoxicated condition; or
- d) Engaging in any act in a violent and tumultuous manner by any three or more persons; or
- e) Holding of an unlawful assembly; or
- f) Interruption of any lawful assembly of people; or
- g) Commission of any act other than the exercise of free speech or free assembly guaranteed by the Constitution of the

State of Louisiana, or by the Constitution of the United States of America, in such a manner as to disturb or alarm the public, or to provoke another or others to retaliatory action or violence.

Section 20.69 Possession of Weapons Where Alcoholic Beverages Are Sold

a) It shall be unlawful for any person to have in his possession a firearm, or other instrumentality customarily used or intended for probable use as a dangerous weapon in any premises where alcoholic beverages are sold and consumed on the premises except the owner or lessee of the premises, or their employees, sheriffs, deputy sheriffs, state police, city police, constables, town marshals, or person vested with police power when in the actual discharge of their duties.

b) Any sheriff, deputy sheriff, state police, city police, constables, town marshals, or persons vested with police power, may search any person found in any place where alcoholic beverages are sold and consumed on the premises and shall confiscate any firearm or other instrumentality customarily used or intended for probable use as a dangerous weapon which such peace officer may find; this search shall be limited to only weapons unless probable cause for a wider search exist.

Any person who enters a place where alcoholic beverages are sold and consumed on the premises does by the mere fact of entering, consent to the search of his person for any firearm or other instrumentality customarily used or intended for probable use as a dangerous weapon while on said premises, by any sheriff, deputy sheriff, state police, city police, constable, town marshal or persons vested with police power, without a warrant.

c) Premises where alcoholic beverages are sold and consumed on the premises shall include all of the licensed premises including the parking lots.

d) Any gun or other instrumentality customarily used or intended for probable use as a dangerous weapon found on any person while on the premises of a place where alcoholic beverages are sold and consumed may be used as evidence in court.

E) Any guns or other dangerous instrumentalities seized under the provisions of this section shall be held by the police until the disposition of the charges against the defendant; in the event of a conviction, the weapon shall be destroyed unless otherwise ordered by the judge, who shall have the authority to order the weapon either destroyed or otherwise disposed of.

Section 20.70 Resisting an Officer

It shall be unlawful for any person to resist an officer. Resisting an officer is the intentional opposition or resistance to, or obstruction of, an individual acting in his 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.

The phrase "obstruction of" as used herein shall, in addition to its common meaning, signification and connotation, mean:

- a) Flight by one sought to be arrested before the arresting officer can restrain him and after notice that he is under arrest.
- b) Any violence toward or any resistance or opposition to the arresting officer after the arrested party is actually placed under arrest and before he is incarcerated in jail.
- c) Refusal by the arrested party to give his name and make his identity known to the arresting officer.
- d) Congregates with others on a public street and refuses to move on when ordered by the officer.

Section 20.71 False Personation

It shall be unlawful for any person to commit the crime of 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:

- a) 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
- b) Performing any act purporting to be official in such assumed character.

Section 20.72 Abandoning or Discarding Ice Boxed or other Airtight Containers

It shall be unlawful for any person, firm or corporation to leave outside of any building or dwelling in a place accessible to children, any abandoned, unattended or discarded ice box, refrigerator, or any other container of any kind which has an

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

Section 20.73 Demonstrations In or Near Buildings Housing a Court or Occupied as Residence by Judge, Juror, Witness or Court Officer

It shall be unlawful for any person, 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 his duty, to picket or parade in or near a building housing a court of the State of Louisiana, or in or near a building or residence occupied or used by such judge, juror, witness, or court officer, or with such intent use any sour-truck or similar device or resort to any other demonstration in or near any such building or residence.

Section 20.74 Handbills

a) Dropping Handbills prohibited. 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 Premise Prohibited. 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 no 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 or prevent it from being blown or drifted about, except that mailboxes may not be so used when prohibited by Federal postal laws or regulations.

d) Placing in Vehicles Prohibited. 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 owners, managers or agents of the person sponsoring such matter shall also appear thereon.

f) Attachment to Poles and Other Objects Prohibited. 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 1,2,3,4,5, or 6 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.

Section 20.75 Fortune telling Prohibited

It shall be unlawful to practice or engage in “fortune telling,” “palmistry,” “reading futures” and the like.

Section 20.76 False Alarms

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

Section 20.77 False Report of Crime

It shall be unlawful for any person to intentionally make to or file with, the police authorities any false, misleading, or

unfounded statement or report concerning the commission or alleged commission of any crime.

Section 20.78 Fireworks

Reserved.

Section 20.79 Unnecessary Noise

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 or others, within the corporate limits.

b) Non-exclusive 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, namely:

(1) Horns or signal devices. The sounding of any horn or signal device on any automobile, motorcycle, bus, street car 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. Then playing of any radio, phonograph, or any musical instrument in such a manner or with such volume, particularly between the hours of 11 p.m. and 7 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 p.m. and 7 a.m., or any time or place so 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.

(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, street car so out of repair or loaded in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.

(6) Exhausts. The discharge 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.

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

(8) 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.

(9) Loading, unloading. The creation of a loud and excessive noise in connection with loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.

(10) Drums, loud speakers. The use of any drum, loud speakers 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.

(11) Loud speakers on trucks. The use of mechanical loud speakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(12) Loud speakers 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 public street any device or apparatus for tapping windows, or for amplifying sound from any radio or phonograph, or any sound reproducing device.

(13) 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 vehicles 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 impossible to perform such work during the day.

(3) The reasonable use of amplifiers or loud speakers in the course of public addresses which are non-commercial in character, and for which a permit is first obtained from the board.

Section 20.80 Soliciting Upon Private Residence

The going in and upon private residences 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 owners, occupant or occupants of said private residences, 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 unlawful.

Section 20.81 Regulating Parades

a) Definitions:

- (1) Chief of Police is the Chief of Police of this Village.
- (2) Parade is any parade, march, ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park or other public place in this Village.
- (3) Parade permit is a permit as required by this section.
- (4) Person is any person, firm, partnership, association, corporation, company or organization of any kind.

b) Permit required. No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the Chief of Police.

This article shall not apply to:

- (1) Funeral processions;
- (2) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities;
- (3) A governmental agency acting with the scope of its function.

c) A person seeking issuance of a parade permit shall file an application with the Chief of Police on forms provided by such officer.

(1) An application for a parade permit shall be filed with the Chief of Police not less than 10 days nor more than 30

days before the date on which it is proposed to conduct the parade.

(2) The application for a parade permit shall set forth the following information:

(a) The name, address and telephone number of the person seeking to conduct such parade;

(b) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized and responsible heads of such organization;

(c) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct;

(d) The date when the parade is to be conducted;

(e) The route to be traveled, the starting point and the termination point;

(f) The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals, and description of the vehicles;

(g) The hours when such parade will start and terminate;

(h) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be traveled;

(i) The location by streets of any assembly areas for such parade;

(j) The time at which units of the parade will begin to assemble at any such assembly area or areas;

(k) The interval of space to be maintained between units of such parade;

(l) If the parade is designed to be held by, and on behalf of or for, any person other than the applicant, the applicant for such permit shall file with the Chief of Police a communication in writing from the person proposing to hold the parade, authorizing the applicant to apply for the permit on his behalf.

(m) Any additional information, which the Chief of Police shall find reasonably necessary to a fair determination as to whether, a permit should issue.

(3) The Chief of Police, where good cause is shown, therefore, shall have the authority to consider any application hereunder which is filed less than 10 days before the date such parade is proposed to be conducted.

(4) There shall be paid at the time of filing the application for a parade permit fee as prescribed by resolution of the Mayor and Board. This fee may be waived in whole or in part by the Mayor.

(d) The Chief of Police shall issue a permit as provided for hereunder when, from a consideration of the application and from such other information as may otherwise be obtained, he finds that;

(1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;

(2) The conduct of the parade will not require the diversion of so great a number of police officers of this Village to properly police the line of movement, and the areas contiguous thereto as to prevent normal police protection to this Village;

(3) The conduct of such parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of this Village other than that to be occupied by the proposed line of march and areas contiguous thereto;

(4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;

(5) The conduct of such parade will not interfere with the movement of fire-fighting equipment enroot to a fire;

(6) The conduct of the parade is not reasonably likely to cause injury to persons or property, to provoke disorderly conduct or create a disturbance;

(7) The parade is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays enroot;

(8) The parade is not to be held for the sole purpose of advertising any product, cause, goods or event and is not designed to be held for private profit.

(e) If the Chief of Police disapproves the application, he shall mail to the applicant within five days after the date upon which the application was filed, a notice of his action.

(f) The Chief of Police, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, with three days after notice of the action of the Chief of Police, file a written notice of acceptance with the Chief of Police. An alternate parade permit shall conform to the requirements of, and shall have the effect of a parade permit under this section.

(g) Each parade permit shall state the following information:

- (1) Starting time,
- (2) Minimum speed,
- (3) Maximum speed,
- (4) Maximum interval of space to be maintained between the units of the parade;
- (5) The portions of the streets to be traversed that may be occupied by the parade;

(6) The maximum length of the parade in miles or fractions thereof;
(7) Such other information as the Chief of Police shall find necessary to the enforcement of this chapter.

h) A permittee hereunder shall comply with all permit directions and conditions and with all applicable laws and ordinances. The parade chairman or other person heading or leading such activity shall carry the parade permit upon his person during the conduct of the parade.

i) The Chief of Police shall have the authority to revoke a parade permit issued hereunder upon application of the standards for issuance as herein set forth.

Section 20.82 Telephone Communications, Improper Language, Harassment

a) No person shall:

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

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

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

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

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

Section 20.83 Riot

a) It shall be unlawful for any person to participate in a riot or incite any other person to riot.

b) A riot is a public disturbance involving an assemblage of three or more persons acting together or in concert which by tumultuous and violent conduct, or the imminent threat of tumultuous and violent conduct, results in injury or damage to persons or property or creates a clear and present danger of injury or damage to persons or property.

c) Inciting to riot is the endeavor by any person to incite or procure any other person to create or participate in a riot.

d) Any law enforcement, peace officer or public official responsible for keeping the peace may issue a command to disperse under the authority of R.S. 14:329.1 - 14:329.8 if he reasonably believes that riot is occurring or about to occur. The command to disperse shall be given in a manner reasonably calculated to be communicated to the assemblage.

Section 20.84 Wrongful Use of Public Property; Permits for Use of Public Property

a) It shall be unlawful for any person to wrongfully use public property.
Wrongful use of public property is:

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

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

The lawful custodian, or his designated representative, may issue the permit if he determines that the use or occupation of the public property by the general public and that the intended use will not destroy or damage the public property.

For the purpose of this section, the term "public property" means any public land, building, facility, structure or enclosure used for a public purpose or as a place of public gathering, owned and/or under the control of the state or one of its agencies or political subdivisions.

Section 20.85 Prohibition of Interference with Educational Process; Certain Activities Excepted

a) No person shall, on the campus or lands of any university, college, junior college, trade or vocational-technical school, special school, elementary or secondary school in this state, hereinafter referred to as "institutions of

leaning,” or at or in any building or other facility thereof owned, operated or controlled by the state or any of its agencies or political subdivisions, willfully deny to students, school officials, faculty, employees, invitees and guests thereof:

- (1) Lawful freedom of movement on the campus or lands; or
- (2) Lawful use of the property, facilities or parts of any institution of learning; or
- (3) The right of lawful ingress and egress to and from the institution’s physical

facilities.

b) No person shall, on the campus of any institution of learning or at or in any building or other facility thereof owned, operated or controlled by the state or any agency of political subdivision thereof, willfully impede the staff or faculty of such institution in the lawful performance of their duties, or willfully impede a student of such institution in lawful pursuit of his educational activities, through use of retrain, abduction, coercion, or intimidation, or when force and violence are present or threatened.

c) No person shall willfully refuse or fail to leave the property of, or any building or other facility owned, operated or controlled by the state or any agency or political subdivision thereof, upon being requested to do so by the chief administrative officer thereof, or by his designee charged with maintaining order on the campus or grounds and in its facilities, or a dean of such institution of learning, if such person is committing, threatens to commit, or incites other to commit, any act which would or is likely to disrupt, impair, interfere with or obstruct the lawful missions, processes, procedures or functions of such institutions of learning.

Nothing contained herein shall apply to a bona fide legitimate labor organization or to any of its legal activities such as lawful picketing, lawful assembly or concerted activity in the interest of its members for the purpose of accomplishing or securing more favorable wage standards, hours of employment or working conditions.

Section 20.86 Desecration of Graves

It shall be unlawful for any person to desecrate a grave. Desecration of graves is the:

(1) Unauthorized opening of any place of interment, or building wherein the dead body of a human being is located, with the intent to remove or to mutilate the body or any part thereof, or any article interred or intended to be interred with the said body; or

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

Section 20.87 Curfew

a) It shall be unlawful for any person under eighteen years of age to be or remain upon any street or alley or other public place in the city after 10 p.m. unless such person is accompanied by a parent or guardian, or other person having custody of such minor or unless in the performance of duty directed by such parent or guardian or other person having custody or unless such person is in lawful employment making it necessary to be in such places after 10 p.m. and until daylight.

b) It shall be unlawful for anyone having the legal care and custody of any person, as described in (a) above to allow or permit such person to go or be upon any public street, alley or other public place in the city in the nighttime as restricted in (a) above, except in case of necessity.

c) Every member of the police force while on duty is hereby authorized to detain any such minor willfully violating the provisions of (a) above until the parent or guardian of the child shall take him or her into custody, but such officer shall immediately upon taking custody of the child communicate with the parent or guardian.

D) If it shall appear that any child taken into custody for a violation of (a) above is growing up in mendicancy or vagrancy, or is incorrigible, for lack of proper parental care or has no home, proper proceedings shall be taken to have such child placed in the care of a state institution as provided by statute.

Editorial Note: Authority for municipalities to adopt a standard code is L.R.S. 33:1368 - 1370.

VILLAGE OF FOLSOM
STATE OF LOUISIANA

**ORDINANCE AMENDING FOLSOM CODE OF ORDINANCE
CHAPTER 20, "CRIMES AND OFFENSES,
SECTION 20.62 "TRASH FIRES"**

BE IT ORDAINED by the Board of Aldermen of the Village of Folsom, State of Louisiana that the Village of Folsom, Code of Ordinances, Chapter 20 "Crimes and Offenses," Section 20.62 "Trash Fires," be amended to read as follows:

(A) No burning on town property, streets or alleys. A controlled fire or open burning of leave, yard debris, such pine needles, pine cones, shrubs, brush and cut timber, in the Village of Folsom shall not be a violation of this Chapter if the following guidelines are adhered to:

- (1) The fire area shall not be greater than 6 feet in diameter.
- (2) The height of burning material shall not be greater than three (3) feet;
- (3) Burning shall only occur between sunrise and one hour before sunset;
- (4) The fire site shall not be unattended;
- (5) A functional water hose shall be located next to the fire site;
- (6) The fire site shall be located at least 10 feet from the nearest property line;
- (7) There shall be no more than one (1) fire site per lot less than one (1) acre or no more than two (2) fire sites per lot over one (1) acre.
- (8) The fire site shall be located at least twenty (20) feet from any structure, if nearer than twenty (20) feet from a structure a container must be used.
- (9) No burning on windy days.
- (10) No burning directly under utility lines.
- (11) Burning of leaves, straw, twigs and limbs only! No household garbage or construction material of any kind.
- (12) In the event of a parish wide burn moratorium, that moratorium will super cede this ordinance.
- (13) If a legitimate complaint is filed by a citizen, the fire will be extinguished.

(B) Notwithstanding Section 20.62 herein, a violation of any of the above restrictions may result in the fire site being considered a fire hazard under this chapter.

(C) For lots measuring over two (2) acres, the restrictions of the St. Tammany Parish burn ordinance shall apply.

BE IT FURTHER ORDAINED that this ordinance shall take effect on and after its promulgation.

Folsom, Louisiana this 13th day of September, 2004.

GEORGE W. GARRETT, Alderman

RONALD W. HOLLIDAY, Alderman

JOHN T. MATHIES, Alderman

Approved:

VILLAGE OF FOLSOM

By: MARSHELL BRUMFIELD, Mayor

CERTIFICATE

I, Joyce Core, certify that the above is a true and correct extract of the minutes of the meeting of the Folsom Board of Aldermen held at the Town Hall in the Village of Folsom, Louisiana on September 13, 2004. Present: Marshall Brumfield, Mayor; George W. Garrett, Alderman; Ronald W. Holliday, Alderman; John T. Mathies, Alderman. All present voted yea and there were no nays.

JOYCE CORE, Municipal Clerk

