

CHAPTER 15

MISCELLANEOUS CRIMES AND OFFENSES*

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Sub-Chapter A

In General

SECTION 15:1. FALSE FIRE ALARMS PROHIBITED

It shall be unlawful for any person to turn in a false fire alarm in Lafourche Parish. (Ord. No. 1335, 11/12/80)

Comment -- Ordinance No. 1335 superseded an earlier ordinance (No. 645, 2/14/34) which also dealt with false fire alarms.

SECTION 15:2. DISCHARGE OF FIREARMS, PROHIBITIONS

A. Discharging Firearms on Parish Roads or Parish Property Prohibited

It shall be unlawful for any person to discharge a firearm on a parish road or on parish property, except on an authorized parish firing range or by a police officer in the performance of his duties or unless authorized by the Lafourche Parish Police Jury. (Ord. No. 1335, 11/12/80)

B. Discharge of Firearms Prohibited in Certain Areas

1. It shall be illegal, only in Lafourche Parish Councilmatic District No. 7, to shoot waterfowl closer than five hundred feet (500') from a resident's home. (Ord. No. 2618, 6/9/98)

2. It shall be unlawful, only in Councilmatic District No. 8, for any person to discharge any rifle, pistol, shotgun, or pellet gun within three hundred feet of any residence, except in the lawful defense of life or property; and except skeet shooting, where power is limited to recommended skeet loads only, adult-supervised target practice, and turkey shoot contests, which do not pose a threat to the public. (Ord. No. 2598, 3/10/98)

Comment -- Ordinance No. 1335 superseded a Resolution of September 14, 1960 which also dealt with discharging firearms from parish property.

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SECTION 15:3. DIRECTING REMARKS TO ANOTHER WHICH TEND TO INCITE AN IMMEDIATE BREACH OF THE PEACE

It shall be unlawful for any person or persons to address or direct any remarks to another person or persons which are fighting words and which by their very utterance inflict injury or tend to incite an immediate breach of the peace. (Ord. No. 1335, 11/12/80)

SECTION 15:4. ANIMALS NOT PERMITTED TO RUN AT LARGE

No person shall permit any animal in his possession, or kept by him about his premises, to run at large on any unenclosed land, or trespass upon any enclosed or unenclosed lands of another. This provision shall not be construed to prevent any person from lawfully hunting with a dog, provided the dog is accompanied by the owner or keeper. (Ord. No. 1335, 11/12/80)

Comment -- For related provisions, see Sections 4:50, et seq., this Code.

SECTION 15:5. VACCINATION OF DOGS AND CATS AGAINST RABIES REQUIRED

It shall be unlawful for any person within the Parish of Lafourche to own, possess, keep, or harbor any dog or cat unless the said dog or cat has been vaccinated against rabies within a year by a recognized veterinarian and the owner shall have received a tag and certificate evidencing such vaccination. (Ord. No. 1335, 11/12/80)

Comment -- For related provisions, see Section 4:1, this Code.

SECTION 15:6. LITTERING ALONG STATE HIGHWAYS PROHIBITED

A. It is illegal to dump trash, garbage, household appliances, and any other unwanted materials on all state highways in Lafourche Parish, State of Louisiana.

B. The installation of "No Dumping" signs on all state highways in Lafourche Parish is to the best interest of the public, peace, health and safety of the parish and its inhabitants.

C. The Sheriff of this parish is hereby specifically requested to assist in the enforcement of the provisions of this section.

D. Any person who violates the provisions of this section shall, upon conviction thereof, be punished by imprisonment in the parish jail for a period of not more than thirty (30) days, or by fine of not more than five hundred dollars (\$500.00) or by both such imprisonment and fine, at the discretion of the court.

(Ord. No. 2119, 5/12/93)

Comment -- This section previously incorporated the provisions of Ordinance No. 1335 (November 12, 1980), as amended by Ordinance No. 1885 (June 14, 1989) and Ordinance No. 1981 (July 10, 1991), all dealing with the prohibition of littering in the parish. It was specifically repealed by Ordinance No. 2076, adopted November 11, 1992.

Ordinance No. 1981 provided that the parish's litter laws could be enforced by the constables and justices of the peace of the parish, and provided for their compensation for such services in accordance with Acts 250 and 296 of the 1989 Regular Session of the State Legislature. See Sections 9:77 and 9:100, this Code, for related provisions.

SECTION 15:7. CURFEW ON DOOR TO DOOR PEDDLING OR HAWKING

No person shall, without permission, peddle or hawk merchandise or attempt to make sales or solicit orders on a door to door basis on private premises between 8:00 o'clock P.M. and 8:00 A.M. in the Parish of Lafourche. (Ord. No. 1335, 11/12/80)

SECTION 15:8. CARRYING FIREARMS OR DANGEROUS WEAPONS ON PREMISES SELLING ALCOHOLIC BEVERAGES PROHIBITED

It shall be unlawful for any person to have in his possession in any premises where alcoholic beverages are sold and consumed, a firearm or other dangerous weapon. This restriction shall not apply to the owner or lessee of premises, their employees, or any police officer in the actual discharge of his official duties. (Ord. No. 1335, 11/12/80)

SECTION 15:9. CHANGING, OBSTRUCTING, OR CLOSING PUBLIC ROADS PROHIBITED

A. No person shall turn, alter, close, obstruct, or change any public road or street except upon order of the Lafourche Parish Police Jury or its duly authorized and empowered agent or employees. (Ord. No. 1335, 11/12/80)

B. Fire Protection District No. 6 is authorized to trim branches on trees that are in obstruction of passage for the fire trucks on parish streets. (Ord. No. 2862, 4/11/00)

SECTION 15:10. MAINTAINING WILD GRASS AND WEEDS AT HEIGHT OF MORE THAN TWELVE INCHES

It shall be unlawful for any person owning or leasing immovable property in any residential subdivision or residential area of the Parish of Lafourche to allow any wild grass or weeds to grow higher than twelve (12") inches in height. (Ord. No. 1335, 11/12/80)

Comment -- For related provisions dealing with grass and noxious accumulations, see Sections 9:100 et seq., this Code.

SECTION 15:11. CONDUCTING CERTAIN ACTIVITIES WITHOUT A LICENSE AND/OR PERMIT

It shall be unlawful for any person to conduct any of the below listed activities without first obtaining a license and/or permit therefor from the Lafourche Parish Police Jury or its duly authorized and empowered agent or employees:

1. Fairs, festivals or bazaars;
2. Processions, marches, parades, or demonstrations on public property;
3. Charitable raffles, bingos, or kenos;
4. Construction of any type on any property owned by the Lafourche Parish Police Jury or on any property on which the Lafourche Parish Police Jury has a servitude;
5. Peddle or hawk merchandise in any public place or on a door to door basis;

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6. Explore or drill for oil, gas, hydrocarbons, or minerals in the Parish of Lafourche;
7. Operate a public carrier vehicle as defined in Chapter 21;
8. Operate an airboat;

(Ord. No. 1335, 11/12/80, as amended by Ord. No. 1374, 8/12/81 and Ord. No.1381, 12/9/81)

Comment -- Amending Ordinance No. 1374 changed the language in Sub-Paragraph 6 above, broadening the permit requirements for oil, gas and mineral exploration. Ordinance No. 1381 added the requirements in Sub-Paragraph 8 pertaining to airboats. Section 16:2 of this Code, added by Ordinance No. 1337 (11/12/80) previously set out registration and licensing requirements for airboats. That section was specifically repealed by Ordinance No. 1983 (7/10/91). For related provisions of this Code dealing with fairs and festivals, see Section 3:1. For provisions dealing with parades, see Section 3:50. For provisions dealing with raffles and bingos, see Sections 3:100 et seq.

SECTION 15:12. CRAB FISHING RESTRICTIONS; VIOLATION PENALTIES

A. The baiting, tending, checking or removing of crab traps, the contents of crab traps and/or their lines and buoys or markers shall be prohibited during the time period from one-half hour after legal sunset until one-half hour before legal sunrise in public waters.

B. Violation of the above provisions will be punishable by a fine not to exceed five hundred (\$500.00) dollars and/or imprisonment for not more than thirty (30) days.

(Ord. No. 1770, 6/15/87)

SECTION 15:13. POLITICAL SIGNS PROHIBITED

A. Political campaign signs shall not be erected, displayed or posted on any publicly owned property or right-of-way, or to or on any public utility pole or stanchion in Lafourche Parish.

B. Any person who violates the provisions of this section shall upon conviction thereof, be punished by imprisonment in the parish jail for a period of not more than thirty (30) days, or by a fine of not more than five hundred dollars (\$500.00) or by both such imprisonment and fine, at the discretion of the court.

(Ord. No. 1789, 9/30/87)

SECTION 15:14. TRESPASSING, UNAUTHORIZED ENTRY UPON LAND OR NON-NAVIGABLE WATER BODIES PROHIBITED

A. The unauthorized entry upon land or non-navigable water in the Parish of Lafourche, whether enclosed or unenclosed and whether or not such land or water is posted, is hereby prohibited. Whoever commits the offense of trespass in violation of this Section shall be fined not less than fifty dollars (\$50.00), nor more than one hundred dollars (\$100.00) or imprisoned in the parish jail for not more than ninety (90) days or both.

B. On the second conviction, the offender shall be fined not less than one hundred dollars (\$100.00) or imprisoned for not more than ninety (90) days, or both.

C. On the third and/or subsequent convictions, the offender shall be fined one hundred dollars (\$100.00) and imprisoned for ninety (90) days.

D. Unauthorized and intentional entry upon land or non-navigable water is the entry upon any land or non-navigable water, whether enclosed or unenclosed located in the Parish of Lafourche, whether or not such land or water is posted, without first obtaining the consent of the owner or lessee of said land or non-navigable water.

E. "Intentional" shall be defined as general criminal intent as defined by R.S. 14:10(2). General criminal intent is present whenever there is specific intent, and also when the circumstances indicate 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.

F. Parol testimony shall be admissible as evidence of ownership or lease of any land or non-navigable water. The personnel of professional land surveyors qualified and currently registered by the State Board of Registration for Professional Engineers and Land Surveyors in accordance with R.S. 37:681, et. seq., are exempt from the penalties proposed by this Section while performing the "practice of land surveying" as defined in R.S. 37:682.

G. The Sheriff of the Parish and the Louisiana Department of Public Safety are hereby specifically requested to assist in the enforcement of the provisions of this Section. (Ord. No. 1509, 8/8/84)

Comment -- The title of Ordinance No. 1509 provided that this material was to be codified as Section 15:13 of this Code of Ordinances. Ordinance No. 1504, adopted a month earlier, also enacted material to be codified as Section 15:13, and in as much as that instruction came first, it was complied with by the editors. Under authority provide in Section 1:20 hereof, giving the editors the power to renumber sections when necessary, the material in Ordinance 1509 was codified as set out above, as Section 15:14. In addition to the general trespassing law provided above, the Parish Council has also adopted at least one local trespassing ordinance. See Ordinance No. 1706, adopted September 10, 1986.

SECTION 15:15. TRESPASSING, UNAUTHORIZED ENTRY UPON LAND OR NON-NAVIGABLE WATER BODIES, ERECTION OF POSTED SIGNS AUTHORIZED, SPECIFIC AREAS, WARD 1

A. It is hereby authorized that two (2) "Posted - Keep Out" signs shall be installed at the intersection of M'Lee Street and the Hebert Canal, in Ward 1, Parish of Lafourche, State of Louisiana.

B. The Sheriff of this Parish and the Louisiana Department of Public Safety are hereby specifically requested to assist in the enforcement of the provisions of this Section.

C. Any person who violates the provisions of this Section shall upon conviction thereof, be punished by imprisonment in the parish jail for a period of not more than thirty (30) days, or by fine of not more than five hundred dollars (\$500.00) or by both such imprisonment and fine, at the discretion of the court.

(Ord. No. 1706, 9/10/86)

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SECTION 15:16. DISCHARGING FLUIDS OR OTHER WASTES ON PARISH STREETS OR DRAINS FROM CLEANING VEHICLES PROHIBITED

It shall be unlawful for any person to discharge fluids and/or solids generated by the act of cleaning vehicles within the right-of-way of any parish street and /or public drainage facilities. (Ord. No. 1731, 12/10/86)

Comment -- Ordinance No. 1731 specified that the material therein was to be codified as Section 15:13. In view of the fact that the Council had already adopted an ordinance specifying that it was to be codified as Section 15:13, Ordinance No. 1731 was given this place in the Code at the option of the editor under the authority of Code Section 1:20.

SECTION 15:17. RIDING ON FLOOD LEEVE SYSTEMS IN WARD 6 PROHIBITED

It shall be unlawful to ride on Flood Levee Systems in Ward 6 unless permission is granted from each land owner.

(Ord. No. 2778, 7-13-99)

SECTIONS 15:18. INDECENT EXPOSURE, INDECENT OR LEWD BEHAVIOR

SECTION 1. Any person who, while in a public place or in view of the public, intentionally wears and displays his or her below-waist underwear intended to cover a person's intimate parts, or displays the skin under which said below-waist underwear was intended to cover, shall be considered a lewd or indecent behavior and/or indecent exposure.

SECTION 2. Any and all person or persons found in violation of any provision of this section shall, upon conviction thereof, be fined not more than Fifty (\$50.00) Dollars for the First offense, One Hundred (\$100.00) Dollars for the Second offense, and One Hundred (\$100.00) Dollars and Sixteen (16) Hours of Community Service for the Third Offense.

(Ord. Nos. 4090, 07/10/07; 4126, 08/28/07)

SECTIONS 15:19 - 15:20. RESERVED

SECTION 15:21. LOITERING PROHIBITED

A. Loitering is hereby prohibited on the following roadways.

Amanda Drive, Ward (2), District (1) (Ord. No. 3505, 10/12/04)

Choctaw School Road, Ward (6)

Frederich Drive, Ward (2), District (1) (Ord. No. 3505, 10/12/04)

Karla Drive, Ward (2), District (1) (Ord. No. 3505, 10/12/04)

Paula Drive, Ward (2), District (1) (Ord. No. 3505, 10/12/04)

Ridgefield Road and Hyland Drive located in Thibodaux, Ward (1), District (1). (Ord. No. 3742, 2/14/2006)

Romy Drive and the intersection of Sixteenth Street, Ward (4), District (7) (Ord. No. 3538, 01/11/05)

West 58th Street, Ward (10), District (8) (Ord. No. 3521, 12/14/04)

West 59th Street, Ward (10), District (8) (Ord. No. 3521, 12/14/04)

B. The necessary “NO LOITERING” signs shall be erected on both sides of the aforementioned roadways.

C. The Sheriff of this Parish is hereby specifically requested to assist in the enforcement of the provisions of this Section.

D. Any person who violates the provisions of this Ordinance shall upon conviction thereof, be punished by imprisonment in jail for a period of not more than thirty (30) days, or by fine of not more than five hundred dollars (\$500.00) or by both such imprisonment and fine, at the discretion of the Court.

(Ord. No. 2207, 3/9/94; 3505, 10/12/04; Ord. No. 3521, 12/14/04)

SECTION 15:22. CURFEW FOR MINORS ESTABLISHED; EXCEPTIONS; VIOLATIONS, PENALTIES

A. Except as provided by Louisiana State Statute 32:416.1, it shall be unlawful for any minor under the age of seventeen (17) years to loiter, idle, wander, stroll, walk, play, or drive any vehicle, whether motorized or not, in or upon streets, highways, alleys, parks, playgrounds, wharves, docks, or other public places, and public buildings, bus stations, places of amusement and entertainment, vacant lots or other unsupervised places between the hours of 10:00 p.m. and 5:00 a.m. on Monday through Thursday, and during the hours of 11:00 p.m. and 5:00 a.m. on Friday through Sunday; however, the provisions of this subsection do not apply to a minor accompanied by his parent, guardian, or other adult person having the care and custody of the minor. Each violation of the provisions of this subsection shall constitute a separate offense and shall be a misdemeanor.

B. If any minor under the age of seventeen (17) years is attending any organized adult supervised function, whether religious, school, civic or any other, the minor shall be allowed one (1) extra hour grace period to return home or to the place agreed upon by the minor's parents, guardian, or person having the care, custody and control of the minor.

C. It shall be unlawful for any parent, guardian or other person having the care and custody of a minor under the age of seventeen (17) years to permit such a minor to loiter, idle, wander, stroll, walk, play or drive any vehicle, whether motorized or not, in or upon the streets, highways, roads, alleys, parks, playgrounds, wharves, docks, or other public grounds, public places, and public buildings, bus stations, places of amusement and entertainment, vacant lots or other unsupervised places, whether public or private, between the hours as defined and regulated by Subsection A above; however, the provisions of this subsection do not apply to a minor accompanied by his parent, guardian, or the adult person having the care and custody of the minor, or when the minor is upon an emergency errand or legitimate purpose directed by his parent, guardian, or other adult person having the care and custody of the minor. Each violation of the provisions of this subsection shall constitute a separate offense and shall be a misdemeanor.

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D. It shall be unlawful for any person operating or in charge of any place of amusement, entertainment or refreshment to permit any minor under the age of seventeen (17) years to remain in such place during the hours prohibited by this section; however, this subsection shall not apply when such minor is accompanied by his or her parent, guardian, or the adult person having the care and custody of the minor. Each violation of the provisions of this subsection shall constitute a separate offense.

E. Any minor under the age of seventeen (17) years who shall be found to loiter, idle, wander, stroll, walk, play or drive any vehicle, whether motorized or not, in or upon streets, highways, roads, alleys, parks, playgrounds, wharves, docks or other public grounds, public places, and public buildings, bus stations, places of amusement and entertainment, vacant lots or other unsupervised places, whether public or private, between the hours as defined and regulated by Subsection A herein shall be presumed to be acting without the authority or permission of his parent, guardian or other adult person having the care and custody of the minor. This presumption may be rebutted by the testimony of the parent, guardian or other adult person having the care and custody of the minor. The provisions of this subsection do not apply to a minor accompanied by his parent, guardian or other adult person having the care and custody of the minor.

(Ord. No. 2075, 11/11/92)

SECTION 15:23. DRUG FREE ZONES ESTABLISHED; VIOLATIONS, PENALTIES

A. A drug free zone is established in Lafourche Parish to include any property used for school purposes by any public school within one thousand feet (1,000') of any such property, and public school bus.

B. A map indicating drug free zones in Lafourche Parish will be filed with the Lafourche Parish Clerk of Court.

C. Drug free zones will be marked according to the method developed by the State Superintendent of Education and approved by the State Board of Elementary and Secondary Education.

D. Signs or other markings shall be erected and located in a visible manner on or near each school and in each bus indicating that such area is a drug free zone, that such zone extends to one thousand feet (1,000') of school property, and that a felony violation of the Uniform Controlled Dangerous Substance Law will subject the offender to severe penalties under law.

E. The Sheriff of this parish and the Louisiana Department of Public Safety are hereby specifically requested to assist in the enforcement of the provisions of this section.

(Ord. No. 1955, 11/28/90)

Comment -- For state law provisions dealing with drug free school zones, see LRS 17:402 et seq. For the penalties for violating the drug free zone law, see LRS 17:405.

SECTION 15:24. DIALING OR USING PARISH EMERGENCY PHONE SYSTEM (911) PROHIBITED; VIOLATIONS, PENALTIES

A. It shall be unlawful for any adult person, without proper cause, to dial into and use the Lafourche Parish Enhanced Emergency Phone System (911) for any purpose other than requesting police, fire or emergency medical service. Proper cause for use of the Lafourche Parish Enhanced Emergency Phone System (911) shall be constituted when there is a legitimate and justified purpose for the presence of police, fire or emergency medical personnel at or in the immediate vicinity of the location indicated by the 911 generated call. The automatic location identifier and the automatic number identifier within the Lafourche Parish Enhanced Emergency Phone System (911) shall constitute evidence of the location of a violation of this section.

B. Any adult person violating the provisions of this section shall, upon conviction thereof by a court of law, be punished by fine of not less than one hundred dollars (\$100.00) or more than five hundred dollars (\$500.00), or by imprisonment of not more than thirty (30) days in the parish jail and/or both.

C. Any minor violating the provisions of this section shall be dealt with in accordance with Juvenile Court Law and procedure as set out in the Louisiana Statutes Annotated, Code of Juvenile Procedure.

D. Each transaction of/and dialing of the Lafourche Parish Enhanced Emergency Phone System telephone number (911) shall constitute a separate offense under the penalties provided for in this section.

(Ord. No. 2074, 11/11/92)

SECTION 15:25. GENERAL PENALTY; CONTINUING VIOLATIONS

A. It shall be unlawful for any person to urinate in public, in view of public, on the outsides of public buildings, or in any place other than in the proper facilities.

B. The Sheriff of this Parish is hereby specifically requested to assist in the enforcement of the provisions of this section.

C. It shall be unlawful for any person to violate any provision of this Chapter and any person who is convicted for a violation of any provision of this Chapter shall be punished by imprisonment for a term not exceeding thirty (30) days or by a fine not exceeding five hundred dollars (\$500.00) or by both. Each day any violation of this Chapter shall continue shall constitute a separate offense.

(Ord. No. 1335, 11/12/80; as amended by Ord. No. 1381, 12/9/81; Ord. No. 3485, 9/28/04)

Comment -- Amending Ordinance No. 1381 increased the maximum fine from \$100.00 to \$500.00.

[RESERVED]

Sub-Chapter B

Fireworks

SECTION 15:26. SALE AND DISCHARGE OF FIREWORKS RESTRICTED

A. It shall be unlawful for any individual, firm, partnership, or corporation to possess, sell, or offer for sale or use within the State of Louisiana any pyrotechnics commonly known as fireworks other than the permissible fireworks. The permissible fireworks consist of United States Department of Transportation Class "C" "Common Fireworks," and shall include but not be limited to the following: roman candles, sky rockets, cylindrical fountains, cone fountains, wheels, illuminating torches and colored fire in any form, sparklers and dipped stocks, mines and shells, firecrackers, salutes, domestic or imported whistles with report; and, items composed of a combination of two (2) or more articles or devices of the above enumerated approved items.

1. No component of any device as listed in this Section, which is designed to produce an audible effect shall contain pyrotechnic composition in excess of two (2) grains in weight, excluding propelling or expelling charges. The term "Fireworks" shall not include toy pistols, toy canes, toy guns, or other devices in which paper caps containing twenty-five hundredths (25/100) grains or less of explosive compounds are used, provided they are so constructed that the hand cannot come in contact with the cap when in place for exploding, and toy paper pistol caps which contain less than twenty-five hundredths (25/100) grains of explosive compounds. This definition shall not cover any article or device which constitutes the ammunition for firearms.

2. It shall be unlawful for any individual, firm, partnership or corporation to possess, sell, or offer for sale "Bottle Rockets" of all sorts in the Parish of Lafourche.

3. It shall be unlawful for any person to discharge "Bottle Rockets" of all sorts in the Parish of Lafourche.

4. Any individual, firm, partnership or corporation in violation of the selling of "bottle rockets" shall be forced to close and not permitted to re-open for business for a period of one (1) year from the date of the violation.

B. The sale of fireworks shall be permitted in Lafourche Parish, provided the person or persons desiring to conduct such sale comply with the following regulations and requirements:

1. An application must be made to the Lafourche Parish Council for a permit to conduct the sale of fireworks in Lafourche Parish.

2. The annual retail permit fee required by Louisiana State Statute 51:659 for each stand is seventy-five dollars (\$75.00).

3. Periodic inspections of each retail stand will be conducted during the permit year.

4. A permit issued under this Sub-Chapter shall be effective from March 15 of the year following receipt and shall be valid through March 14 of the following year.

5. All vendors must also comply with all pertinent parish ordinances and state health laws and shall make such sales tax returns and other reports as are required.

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6. Any person who fails to secure a permit in accordance with these regulations set forth hereinabove shall be guilty of a misdemeanor and thereof shall be fined not more than one thousand dollars (\$1,000.00) or be imprisoned for not more than thirty (30) days, or both, at the discretion of the court.

7. Any vendor who secures a permit under the regulations of this Sub-Chapter, as set forth hereinabove, but otherwise fails to abide by these regulations shall be subject to suspension and/or revocation of his permit.

8. Any vendor operating without a permit shall be ordered by the Lafourche Parish Sheriff's Department to immediately cease operations.

C. Under the permit for each year, permissible items of fireworks, enumerated in subsection A, may be sold at retail and discharged for June 25 through July 5, and December 15 through January 1, of each year and then only as follows:

June 25	12:00 p.m. to 9:00 p.m.
June 26 - July 5	9:00 a.m. to 9:00 p.m.
July 3 - 4	9:00 a.m. to 12:00 a.m.
December 15	12:00 p.m. to 9:00 p.m.
Dec. 16 - Dec. 30	9:00 a.m. to 9:00 p.m.
Dec. 24 - 25	9:00 a.m. to 12:00 a.m.
Dec. 31	9:00 a.m. to 2:00 a.m.
Jan. 1	9:00 a.m. to 12:00 a.m.

D. *Special Fireworks Permits.* Organized public displays or commercial use of fireworks may be authorized by a special permit granted by the Lafourche Parish Council, or its duly authorized and empowered agent or employee at any given time of the year; provided that the fire protection district or service having jurisdiction over the place where the display or commercial use is to take place is notified and approves the plans and location for the display. The date, time, and place of the public display including the length of time of the display, and a copy of the permit issued by the State Fire Marshall must accompany the request for a special fireworks permit. The fee for application for a public display permit will be ten dollars (\$10.00).

E. It shall be unlawful to offer for retail sale or to sell any fireworks to children under the age of ten (10) years or to any intoxicated or irresponsible person.

F. It shall be unlawful to explode or ignite fireworks within one thousand feet (1,000') of any church, hospital, asylum, public school or within seventy-five feet (75') of where fireworks are stored, sold or offered for sale.

G. No permit for the retail sale of fireworks shall be issued to any business or premises located or situated within three hundred feet (300') or less distance of a building occupied exclusively as a church, synagogue, public library, public playground, private residence or school, except a school for business education conducted as a business college or school. These provisions shall not apply to:

1. Premises maintained as a bona fide hotel, motel, or fraternal organization; or
2. An existing building at its present location which was previously used for the retail sale of fireworks prior to the adoption of Ordinance No. 2161 on October 13, 1993.

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H. No person shall ignite or discharge any articles of fireworks within or throw the same from a motor vehicle while within, nor shall any person place or throw any ignited article of fireworks into or at such a motor vehicle.

(Ord. No. 1368, 7/23/81; as amended by Ord. No. 1820, 5/11/88; Ord. No. 1883, 6/14/89; Ord. No. 2161, 10/13/93; Ord. No. 2443, 8/13/96; Ord. No. 2546, 9/9/97; Ord. No. 3104, 9/10/02; Ord. No. 3105, 9/10/02; Ord. No. 3361, 12/17/03; Ord. No. 3362, 12/17/03; Ord. No. 3477, 9/28/04, Ord. No. 3867, 08/08/06)

SECTIONS 15:27 - 15:34. RESERVED

[RESERVED]

Sub-Chapter C

**Peddlers, Hawkers, and Sales from
Portable Displays and Vehicles**

SECTION 15:35. PEDDLER AND HAWKER PERMITS, TIME LIMIT

A. Peddler and hawker permits issued by the Lafourche Parish Council shall be for a maximum of forty-five (45) calendar days. These permits may be renewed by re-applying with the Lafourche Parish Council within five (5) days of the end of the original permit expiration date.

B. Any person who violates the provisions of this Section shall upon conviction thereof, be punished by imprisonment in the parish jail for a period of not more than thirty (30) days, or by fine of not more than five hundred dollars (\$500.00) or by both such imprisonment and fine, at the discretion of the Court.

(Ord. No. 1504, 7/11/84)

SECTIONS 15:36 - 15:40. RESERVED

**SECTION 15:41. REGULATIONS GOVERNING SALES OF MERCHANDISE FROM
MOTOR VEHICLES, CARTS ETC. FROM PORTABLE DISPLAYS,
GENERAL REQUIREMENTS ESTABLISHED**

A. The sale of any merchandise, wares, goods, plants, flowers, paintings, mirrors, or any artifact or saleable product from any truck, automobile, motor vehicle, mobile unit, cart, stand, table, temporary building, portable or movable container or display case, whether closed or enclosed, or operating on a permanent, temporary, or seasonal basis shall be permitted in Lafourche Parish, provided the person or persons desiring to conduct such sales comply with the following regulations and requirements:

1. An application must be made to the Lafourche Parish Council for a permit to conduct the sale of any of the aforementioned merchandise, wares, goods, plants, flowers, paintings, mirrors, or any artifact or saleable product whatsoever; the application must be accompanied by the following:
 - a. Individual's name;
 - b. Home address and telephone number;
 - c. The name or names of the firm he represents, together with credentials establishing the exact relationship;
 - d. A brief description of the nature of the business;
 - e. Location of proposed sales within the Parish;
 - f. Notarized copies of all state licenses;

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g. Copies of Lafourche Parish and Louisiana Sales Tax Registration Certificate or Sales Tax Exemption Certificate.

(Ord. No. 1686, 6/11/86)

SECTION 15:42. REGULATIONS GOVERNING SALES FROM PORTABLE DISPLAYS, CERTIFICATE OF COMPLIANCE REQUIRED; DISPLAY OF CERTIFICATE

Prior to conducting the business activity intended by the applicant, said applicant must receive a certificate of compliance from the Lafourche Parish Council which will contain the trade name of said vendor, the authorized location, and the year of authorization, together with the Parish authorization to conduct such business activity which sign must be displayed conspicuously at the location at all times during the conduct of business. (Ord. No. 1686, 6/11/86)

SECTION 15:43. REGULATIONS GOVERNING SALES FROM PORTABLE DISPLAYS, POSTING OF PRICES REQUIRED; OTHER SIGNS PROHIBITED.

All vendors must have the minimum and maximum price of the merchandise, wares, goods, plants, flowers, paintings, mirrors, or any artifact or saleable product whatsoever posted conspicuously on a sign no larger than six (6) square feet. No other signs, except the Certificate of Compliance, supplied by the Parish shall be allowed at the vendor's location. (Ord. No. 1686, 6/11/86)

SECTION 15:44. REGULATIONS GOVERNING SALES FROM PORTABLE DISPLAYS, CLEANLINESS OF PREMISES REQUIREMENTS

All vendors must keep the area upon which he is conducting the sale of his product and those areas immediately adjacent thereto free from all refuse, litter and trash attributable to his business activity. (Ord. No. 1686, 6/11/86)

SECTION 15:45. REGULATIONS GOVERNING SALES FROM PORTABLE DISPLAYS, HARASSMENT OF PUBLIC PROHIBITED

At no time shall any vendor harass the public to purchase his merchandise. (Ord. No. 1686, 6/11/86)

SECTION 15:46. REGULATIONS GOVERNING SALES FROM PORTABLE DISPLAYS, COMPLIANCE WITH OTHER ORDINANCES AND STATE LAWS REQUIRED

All vendors must also comply with all pertinent Parish ordinances and state health laws, and shall make such sales tax returns and other reports as are required. (Ord. No. 1686, 6/11/86)

SECTION 15:47. REGULATIONS GOVERNING SALES FROM PORTABLE DISPLAYS, LENGTH OF PERMITS, RENEWALS

A permit issued under this Sub-Chapter shall be issued on a calendar year basis. Applications for renewal permits cannot be made prior to November 1st of the year preceding that for which the permit will be valid. Permits shall be renewed annually. (Ord. No. 1686, 6/11/86)

SECTION 15:48. REGULATIONS GOVERNING SALES FROM PORTABLE DISPLAYS, PERMIT FEES; BONDS REQUIRED

In addition to any other fees that may be charged herein, each vendor shall pay an annual fee of five hundred dollars (\$500.00) for the conduction of his business for each location. The applicant will be required to furnish a payment bond in the amount of five thousand dollars (\$5,000.00). Such bond will be held by the Parish of Lafourche for a period of ninety (90) days after all orders of goods, wares, seafood, produce and clothing merchandise have been delivered to the persons from whom the orders are taken, to assure delivery of said orders to the satisfaction of such persons, to be in compliance with the specifications stated in the order, meeting the requirements of the solicitations and advertisements, and to insure the payment of all taxes due the Parish as a result of the business transacted in the Parish. Said bond shall be chargeable for any taxes due and not paid at the end of each month or on the date of the last business activity. (Ord. No. 1686, 6/11/86)

SECTION 15:49. REGULATIONS GOVERNING SALES FROM PORTABLE DISPLAYS, FAILURE TO OBTAIN PERMIT

Any person who fails to secure a permit in accordance with the regulations set forth hereinabove shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500.00) or be imprisoned for not more than thirty (30) days, or both, at the discretion of the court. (Ord. No. 1686, 6/11/86)

SECTION 15:50. REGULATIONS GOVERNING SALES FROM PORTABLE DISPLAYS, SUSPENSION AND REVOCATION OF PERMITS

Any vendor who secures a permit under the regulations of this Chapter as set forth hereinabove, but otherwise fails to abide by these regulations shall be subject to suspension and/or revocation of his permit. Any vendor operating without a Certificate of Compliance shall be ordered by the Lafourche Parish Sheriff's Department to immediately cease operations. (Ord. No. 1686, 6/11/86)

SECTION 15:51. REGULATIONS GOVERNING SALES FROM PORTABLE DISPLAYS, OWNERS, MANAGERS OF MOTELS AND/OR OTHER PLACES TO NOTIFY PARISH OF RENTAL TO MERCHANTS HAVING PORTABLE DISPLAYS

The owner, proprietor or manager of any hotel, motel, rooming house, or other place of public accommodation shall report, within six (6) hours after renting, to the Parish President's office, the name of any person who has rented a room or other space for the sale and display of merchandise of a transient merchant, giving the location of the room so rented. (Ord. No. 1686, 6/11/86)

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SECTIONS 15:52 - 15:59. RESERVED

Sub-Chapter D

Solicitation of Donations on Public Roadways

SECTION 15:60. REGULATIONS GOVERNING SOLICITATION OF MONEY ON THE PUBLIC HIGHWAYS, STREETS AND ROADS IN LAFOURCHE PARISH; PUBLIC POLICY FINDINGS AND PURPOSE

A. The Lafourche Parish Council, as governing authority of Lafourche Parish, recognizes and finds that:

1. The public highways, roads, and streets of Lafourche Parish and the rights-of-way adjoining them have been built, maintained and acquired primarily to accommodate the automotive and other vehicular traffic, both personal and commercial, of Lafourche Parish;

2. Automotive and other vehicular traffic on the public highways, roads, and streets of Lafourche Parish is often congested during peak traffic hours on weekdays and during peak holiday traffic periods of the year;

3. During peak traffic hours and peak holiday traffic periods the highways, roads, and streets of Lafourche Parish pose a danger to pedestrians who use the highways, roads, and streets as locations to solicit money for charitable, religious or other purposes or in exchange for goods or wares; and

4. When solicitors use the public highways, roads and streets of Lafourche Parish during peak traffic hours and peak holiday traffic periods, the motoring public is also endangered because the flow of traffic is disrupted and the safety of drivers and passengers is impaired.

B. The purpose of this Sub-Chapter is to protect the public safety and welfare by regulating the solicitation of money on the public highways, roads, and streets of Lafourche Parish and by prohibiting the solicitation of money on the public highways, roads and streets during peak traffic hours and peak holiday traffic periods.

(Ord. No. 1694, 8/13/86)

SECTION 15:61. DEFINITION OF WORDS AND PHRASES

A. As used in this Sub-Chapter, the following words or phrases shall have the following meaning, unless the content in which the words or phrases is used clearly indicates that a contrary meaning is intended:

Peak Traffic Hours -- shall mean the hours of 6:30 a.m. through 9:00 a.m., the hours of 11:30 a.m. through 1:30 p.m., and the hours of 4:30 p.m. through 6:30 p.m. on Mondays through Fridays, both days inclusive.

Peak Holiday Traffic Periods -- shall be the period each year from Thanksgiving Day through Christmas Day, both days inclusive.

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Person -- shall mean a natural person acting individually or on the behalf of a corporate entity, individual, group, club, association, organization, charitable organization, or any other entity.

Solicitation or Soliciting -- shall mean an attempt by one (1) or more individuals to collect or receive money from another person or persons, whether or not in exchange for other goods, wares or property.

Public Streets -- shall mean the public highways, roads and streets in Lafourche Parish, whether owned and/or maintained by the Lafourche Parish Council or the State of Louisiana, and shall also include the rights-of-way and neutral grounds adjoining said highways, roads and streets.

Individuals -- shall mean natural persons.

(Ord. No. 1694, 8/13/86; as amended by Ord. No. 2269, 11/9/94)

SECTION 15:62. SOLICITATIONS PROHIBITED DURING THE PEAK TRAFFIC HOURS

No person shall solicit for money on the public streets of Lafourche Parish during peak traffic hours or during the peak holiday traffic period. (Ord. No.1694, 8/13/86)

SECTION 15:63. PERMITS REQUIRED

A. Any person desiring to solicit for money on the public streets of Lafourche Parish shall first obtain a permit from the Office of Tax Collector of the Lafourche Parish Sheriff's Office.

B. Permits shall be issued only to charitable non-profit persons, schools, or bona fide church organizations domiciled in Lafourche Parish possessing a non-profit tax identification number issued by the Internal Revenue Service.

(Ord. No. 1694, 8/13/86; as amended by Ord. No. 2269, 11/9/94)

SECTION 15:64. APPLICATIONS FOR PERMITS

A. To obtain a permit to solicit money on the public streets of Lafourche Parish, a person shall submit an application in triplicate to the Office of Tax Collector at least two (2) weeks prior to the proposed solicitation drive. The application shall clearly set forth:

1. The name of the person seeking the permit;
2. The date upon which the proposed solicitation will occur and the time the solicitation will occur;
3. The names of individuals who will be participating in the solicitation drive;
4. The place where solicitors will be located during solicitation drive;
5. Tax Identification Number issued by the Internal Revenue Service; and

6. The purpose of the solicitation and the proposed use of the monies collected during the solicitation.

(Ord. No. 1694, 8/13/86; as amended by Ord. No. 2269, 11/9/94))

SECTION 15:65. FORM OF PERMITS

A. The Lafourche Parish Council shall issued in triplicate a permit stating the name of the person applying for the permit, the names and number of individuals who will be participating in the solicitation effort, and the date and time which the solicitation will occur. A copy of the application for the permit shall be attached to the permit and shall become a part thereof as if its terms were set forth in the permit in full. The terms of the application shall be considered conditions of the permit.

B. One (1) copy of the permit and application shall be issued to the person seeking the permit; one (1) copy shall be forwarded to the Lafourche Parish Sheriff's Office Enforcement Division; and one (1) copy shall be filed with the Secretary of the Lafourche Parish Council. All permits and applications shall be issued and forwarded as described in this subsection at least one (1) week prior to the proposed solicitation drive.

(Ord. No. 1694, 8/13/86; as amended by Ord. No. 2269, 11/9/94)

SECTION 15:66. GENERAL PROVISIONS

A. In no case shall more than one (1) solicitation drive be permitted in each region (North, Central and South) Lafourche Parish on the same date.

B. In no case shall there be more than eight (8) solicitors at any one intersection at one time taking part in the same solicitation drive. This subsection shall not prohibit groups or organizations from conducting their solicitation drives in split shifts.

C. No person shall be permitted to solicit upon the public streets of Lafourche Parish for more than two (2) days, whether consecutive or non-consecutive, during any calendar year.

D. Only individuals who are bona-fide members of the persons to whom the permit is issued may solicit on behalf of the person.

E. All individuals soliciting on behalf of the person to whom the permit is issued must have in their possession, at the time of soliciting, identification indicating membership in the person.

F. No person under the age of thirteen (13) will be allowed to solicit on public highways, roads and streets of Lafourche Parish. A minimum of one (1) adult must be present to supervise solicitations for up to three (3) individuals between the ages of thirteen (13) and seventeen (17).

(Ord. No. 1694, 8/13/86; as amended by Ord. No. 2269, 11/9/94; Ord. No. 2695, 12/8/98)

SECTION 15:67. ENFORCEMENT PROVISIONS; VIOLATIONS; PENALTIES

A. Law enforcement officers of the Lafourche Parish Sheriff's Office are authorized to ascertain the authority by which an individual purports to be soliciting.

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B. If no permit has been issued for the solicitation drive, any individual soliciting on the public streets of Lafourche Parish shall be charged with a misdemeanor violation punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the parish jail for a period not to exceed six (6) months, or both, at the discretion of the court.

C. If a permit has been issued for the solicitation, but if the individual soliciting has not been listed on the permit application, or if the individual is soliciting at a location not listed on the application, the individual shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the parish jail for a period not to exceed six (6) months, or both, at the discretion of the court. Additionally, the group to which the individual belongs and for which he is soliciting shall be guilty of a misdemeanor punishable by a fine not to exceed five hundred dollars (\$500.00)

(Ord. 1694, 8/13/86)

SECTIONS 15:68 - 15:74. RESERVED

Sub-Chapter E

Boats and Waterways

SECTION 15:75. IDLE SPEED ONLY ZONES ESTABLISHED

A. "Idle Speed Only" shall mean the slowest speed at which it is still possible to maintain steering and does not produce a wake. The "Idle Speed Only" signs shall be 4 x 8 in size on a white square sheet of aluminum with red 12 inch reflective lettering.

B. The following described waters are hereby designated as idle speed zones.

Bayou Bouef, from the LA Hwy. 307 Bridge northward for 1,500 linear feet and southward for 1,500 linear feet; (Ord. No. 2069, 10/14/92)

Bayou Bouef, from the Bayou Bouef Bridge to the end of the Parish Levee System towards Lake Des Allemands in Kraemer, Parish of Lafourche. (Ord. No. 2468, 12/10/96)

Bayou Cut Off, (Lower end of Point-au-Chene) of three hundred (300) feet on either side of the residence of Glen Gautreaux (1577 Lower 655, Montegut) the shrimp shed and the docking facilities, Ward (11), District (11); (Ord. No. 2633, 7/14/98)

Bayou Des Allemands, for 1,000 feet from West Bayou Lane in Des Allemands in a southerly direction along Bayou Des Allemands, Ward (6), District (2) of Lafourche Parish. (Ord. No. 3628, 6/14/05)

Bayou Folse Canal, from the Bayou Folse Bridge, North and to the Theriot Canal located in Ward (7), District (7); (Ord. No. 2520, 6/10/97)

Bayou Lafourche, from one-fourth mile north and south of the intersection with the Company Canal; (Ord. No. 1594, 7/10/85)

Bayou Lafourche, from the reconstructed Leighton Boat Launch, extending fifty (50) yards north and fifty (50) yards south; (Ord. No. 2421, 6/11/96)

Bayou Lafourche, from its intersection with the Intracoastal Canal, north to the T-Bois Bridge; (Ord. No. 3851, 07/11/06)

Bayou Point-au-Chene, from the lower Point-au-Chene Bridge to the Cut Off Canal;

Big Bayou Blue, for a distance of one hundred (100) feet from the northern most boundary of the Big Bayou Blue Marina and ending one hundred (100) feet from the most southerly boundary of the Big Bayou Blue Marina; (Ord. No. 3091, 8/13/02; 3348, 12/17/03)

Big Bayou Blue Canal, south of Louisiana Highway 24, Ward (11), District (7) of Lafourche Parish. Said zone shall begin North 29.32.307, West 90.24.117, to North 29.31.828, West 90.24.185 for approximately .6 miles. (Ord. No. 3632, 6/28/05)

Bollinger Ship Yard, Bayou Lafourche, District 6, Ward 9; (Ord. No. 3144, 5/13/03)

Canal dug by Sampey Seafood Co. which runs along Highway 90, Des Allemands, District (2), Ward (7); (Ord. No. 2916, 10/10/00)

Clovelly Canal, from the Clovelly Boat Launch westward to its end; (Ord. No. 2533, 7/8/97)

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Company Canal, from where it meets with the Folsé Canal to the Butch Hill Canal for approximately four (4) miles, Ward (8), District (8); (Ord. No. 2675, 10/13/98)

Company Canal, from Bayou Lafourche to First Street, and a twenty-five (25) miles per hour speed limit in Company Canal from First Street to Lake Fields; (Ord. No. 1594, 7/10/85)

Company Canal, from First Street in Lockport along Smithport Farms to the Foret Canal. (Ord. No. 2302, 4/12/95; as amended by Ord. No. 2409, 5/8/96)

Company Canal, in the vicinity of LeBouef Brothers Shipyard and Drydock, District 11, Ward 1; (Ord. No. 2794, 9-14-99)

Cypress Canal, located in Des Allemands for its entire length; (Ord. No. 2200, 1/12/94)

Grand Bayou, at the Grand Bayou Boat Launch extending fifty (50) yards on either side of the boat launch, Ward (6), District (6); (Ord. No. 2653, 9/8/98)

Grand Bayou Canal, from Larousse Boat Launch to the Bayou Boeuf Canal, Ward (6), District (6), (Ord. No. 2647, 8/11/98)

Intracoastal Waterway, from Edison Chouest Shipyard to Bollinger Machine Shop; (Ord. No. 2144, 8/11/93)

Hollywood Canal, from the Forty-Arpent to the Prospect Street Extension and for the entire length of Canal Street located in Ward 11, District 11; (Ord. No. 2243, 8/10/94; Ord. No. 2472, 1/14/97)

Lake Fields, northwest corner to include the area where camps are constructed along Bayou Dumar, an area consisting of ½ mile in length, beginning at the intersection of the Commotion Canal and Bayou Dumar to the Bayou Dumar entrance into Lake Fields, District 5, Ward 3. (Ord. No. 3160, 6/10/03)

Larousse Boat Launch, Ward 6, District 6; (Ord. No. 2494, 4/8/97)

Nolan Touns Canal, for its entire length, Ward (8), District (8); (Ord. No. 2676, 10/13/98)

St. James Canal, from its intersection with Louisiana Highway 20 in a westerly direction for a distance of 1,000 feet to the end of the Meadows Subdivision in Chackbay. (Ord. No. 3597, 4/26/05)

St. Louis Canal, from LA Hwy. 316 to its intersection with the Hollywood Canal; (Ord. No. 2624, 6/9/98)

South Lafourche Levee District Borrow Canal, on the east and south edges of the Hurricane Protection Levee along Clovelly Farms, Cut Off, Ward (10), District (12); (Ord. No. 2533, 7/8/97)

Southeast Canal, for its entire length; (Ord. No. 2372, 1/9/96)

State Law Reference -- Authority of Parish to establish and post speed limits in waterways, R.S. 34:851.27

B. The Sheriff of this Parish and the Louisiana Department of Wildlife and Fisheries are specifically requested to assist in the provisions of this section.

C. *Violations/Penalties.* Any person who violates the provisions of this Section shall, upon conviction, be punished by imprisonment in the parish jail for a period of not more than thirty (30) days, or by fine of not more than five hundred dollars (\$500.00) or by both such imprisonment and fine, at the discretion of the Court. A second time offender will also have to attend a mandatory Safe Boating Class.

(Ord. No. 3572, 3/22/05)

**SECTION 15:76. WATER SKIING IN PORTIONS OF BAYOU FOLSE PROHIBITED;
PENALTIES**

A. Water skiing is prohibited in Bayou Folse, from its intersection with Louisiana Highway 3198 to the Theriot Canal.

B. All law enforcement officers are empowered to assist in the enforcement of the provisions of this Section.

C. Any person who violates the provisions of this Section shall upon conviction hereof, be punished by imprisonment in the parish jail for a period of not more than thirty (30) days or by fine of not more than five hundred dollars (\$500.00) or by both imprisonment and fine, at the discretion of the court.

(Ord. No. 1511, 8/23/84)

**SECTION 15:77. SWIMMING, FISHING, AND TRESPASSING NEAR
PUMPING STATIONS PROHIBITED**

A. Fishing, swimming and trespassing are prohibited in the vicinity of parish owned pump stations in the Parish of Lafourche, State of Louisiana.

B. All law enforcement officers are empowered to assist in the enforcement of the provisions of this section.

C. The necessary "NO FISHING", "NO SWIMMING", "NO TRESPASSING" signs shall be erected at parish owned pump stations.

D. Any person who violates the provisions of this section shall upon conviction hereof, be punished by imprisonment in the parish jail for a period of not more than thirty (30) days or by fine of not more than five hundred dollars (\$500.00) or by both imprisonment and fine, at the discretion of the court.

(Ord. No. 1992, 9/11/91; Ord. No. 3068, 5/14/02; Ord. No. 3330, 12/17/03)

SECTION 15:78. SWIMMING NEAR PUBLIC BOAT LAUNCHES PROHIBITED

A. Swimming is prohibited in the vicinity of public boat launches and boat launch boat bays in the Parish of Lafourche, State of Louisiana.

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B. All law enforcement officers are empowered to assist in the enforcement of the provisions of this section.

C. The necessary "NO SWIMMING" signs shall be erected at public boat launches.

D. Any person who violates the provisions of this section shall upon conviction hereof, be punished by imprisonment in the parish jail for a period of not more than thirty (30) days or by fine of not more than five hundred dollars (\$500.00) or by both imprisonment and fine, at the discretion of the court.

(Ord. No. 1993, 9/11/91; Ord. No. 3068, 5/14/02; Ord. No. 3330, 12/17/03)

SECTION 15:79. FISHING NEAR PARISH BRIDGE ON EAGLE ISLAND ROAD PROHIBITED

A. Fishing from the parish bridge located on the Eagle Island Road is hereby prohibited.

B. To prohibit fishing from this bridge is in the best interest of the public peace, health and safety of the parish and its inhabitants.

C. The necessary "NO FISHING" signs shall be erected on the parish bridge located on Eagle Island Road upon the effective date of this section.

D. The sheriff of the Parish and the Louisiana Department of Public Safety are hereby specifically requested to assist in the enforcement of the provisions of this section.

E. Any person who violates the provisions of this section shall upon conviction hereof, be punished by imprisonment in the parish jail for a period of not more than thirty (30) days or by fine of not more than five hundred dollars (\$500.00) or by both such imprisonment and fine, at the discretion of the court.

(Ord. No. 1769, 6/10/87)

SECTION 15:80. FISHING AND SWIMMING IN VICINITY OF THE LEGENDRE CANAL, ST. JAMES CANAL, LEPINE CANAL, AND GRAND BAYOU CANAL BRIDGES PROHIBITED

A. Fishing and swimming are hereby prohibited in the vicinity of Legendre Canal, St. James Canal and Grant Bayou Canal (along Lawrence Sanchez Road) Bridges, Ward 6, Parish of Lafourche, State of Louisiana

B. The Sheriff of this Parish is hereby specifically requested to assist in the enforcement of the provisions of this section.

C. The necessary "NO FISHING AND NO SWIMMING" signs shall be erected on all parish owned bridges.

D. Any person who violates the provisions of this section shall upon conviction hereof, be punished by imprisonment in the Parish jail for a period of not more than thirty (30) days, or by fine of not more than five hundred dollars (\$500.00) or by both such imprisonment and fine, at the discretion of the Court.

(Ord. No. 2085, 1/13/93)

**SECTION 15:81. BLOCKING OF BOAT RAMPS PROHIBITED AT CLOVELLY
PUBLIC BOAT LAUNCH, WARD 10**

A. It is hereby authorized that two (2) "DO NOT BLOCK RAMPS WITH VEHICLES OR BOATS" signs shall be installed in front of the ramps at the Clovelly Public Boat Launch, in Ward 10, Parish of Lafourche, State of Louisiana.

B. The sheriff of this parish and the constable of that area are hereby specifically requested to assist in the enforcement of the provisions of this section.

C. Any person who violates the provisions of this section shall upon conviction thereof, be punished by imprisonment in the parish jail for a period of not more than thirty (30) days, or by fine of not more than five hundred dollars (\$500.00) or by both such imprisonment and fine, at the discretion of the court.

(Ord. No. 1962, 1/9/92)

**SECTION 15:82. BARRIERS ACROSS MAN-MADE CANALS AND NATURAL
WATERWAYS; PERMITTING REQUIREMENTS**

A. All proposed structures affecting the public's access on Lafourche Parish waterways will be reviewed and permitted as follows:

1. It shall be unlawful for any person, firm corporation, or association to construct a barrier across man-made canals and/or natural waterways in Lafourche Parish without first obtaining a waterways barrier permit from the Lafourche Parish Department of Coastal Energy and Environment. The waterways barrier permit is required in addition to any federal, state or local permits.

B. Activities requiring permits include but are not limited to timber barriers, fences, and gates. This permit is not required for plugs that are constructed from fill material unless a means of preferential access is included within.

C. Application for a waterway barrier permit shall be made on NG Form 4345 or similar application form with a duplicate sent to the U.S. Army Corps of Engineers for Section 10 and Section 404 review.

D. The application will be put on public notice for a period of twenty-five (25) days within ten (10) days after its receipt and a public hearing may be held if:

1. Pertinent information may be obtained from a public hearing which is not reflected in written comment received during the public notice period.

2. There is a substantial issue where a valid public interest will be served by holding a public hearing.

3. Public notice shall be given at least thirty (30) days in advance of any public hearing.

4. The notice shall contain the time, place, and nature of the hearing, and the location of materials available for public inspection.

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5. The hearing file shall remain open for a period of ten (10) days after the close of the public hearing for submission of written comments or other material.

E. The application shall be reviewed by the staff of the Lafourche Parish Department of Coastal Energy and Environment and then forwarded with a written recommendation to the Lafourche Parish Council.

F. Criteria for granting, denying, or modifying the permit request shall include, at a minimum, the following considerations:

1. Is the waterway subject to a federal or state navigable servitude or right of use?
2. Is the waterway subject to the federal public trust or state public policies concerning the public trust?
3. Is the waterway on private property?
 - a. Did private or public funds pay for the dredging of the waterway?
 - b. Is the waterway on a public servitude?
 - c. Does the waterway provide the only access to state owned water-bottoms that the public has the right to use?
 - d. Are there other alternative routes to state owned water-bottoms?
 - e. Does the waterway provide access to state owned water-bottoms that are otherwise surrounded by private ownership?
 - f. Does the waterway cut across natural waterways?

G. All barriers that are permitted will allow for the ingress and egress of aquatic organisms.

H. If barriers are constructed without a waterways permit, the Lafourche Parish Council can direct the Sheriff's Office to remove at the owner's expense.

I. It is not the intent of this section to allow for the expropriation, condemnation, or taking of property. No permit will be required where a court of competent jurisdiction has ruled that expropriation, condemnation, or taking of private property has occurred.

(Ord. No. 1931, 6/13/90; Ord. No. 4037, 04/10/07; Ord. No. 4072, 06/12/07)

SECTION 15:83. LOCKPORT BOAT LAUNCH

A. There is established a "No Parking Zone, Emergency Vehicles Only" and "Overnight Vessel Mooring Prohibited, One Hour Mooring Only", and "No Unattended Trailers, Trailer Storage Prohibited" at the Lockport Boat Launch, Ward (4), District (6), of Lafourche Parish, State of Louisiana. There shall be no parking at the following:

1. There shall be no parking between the west ramp for a distance of 84'. This no parking area shall run from the edge of the wharf and extend towards Bayou Lafourche for a distance of 84' running perpendicular to the Company Canal.

2. There shall be no parking along the Company Canal from the western most part of the wharf to the beginning of the wharf on the eastern side in an outward direction of 23' from the edge of the wharf.

3. The area adjacent to the wharf in the area "C" shall not be for parking from the Company Canal edge of the wharf outward for 23'.

4. The area adjacent to the wharf in area "D" shall not be for parking from the Company Canal edge of the wharf for 23'.

B. All areas where parking is not allowed shall be posted with an adequate amount of signage indicating "No Parking Zone, Emergency Vehicles Only" and "Overnight Vessel Mooring Prohibited, One Hour Mooring Only", and "No Unattended Trailers, Trailer Storage Prohibited".

C. The definitions and penalties of the posted signs shall be:

"No Parking Zone, Emergency Vehicles Only"- there shall be no parking in the areas designated as no parking, with the exception of any emergency vehicles, and fines will be assessed at fifty dollars (\$50.00) for the first offense, and one hundred dollars (\$100) for the second offense.

"Overnight Vessel Mooring Prohibited, One Hour Mooring Only"- the owner of any and all vessels that are found to be moored for more than an hour will be assessed a fine of fifty dollars (\$50.00) for the first offense, and one hundred dollars (\$100) for the second offense. The mooring to light poles and/or in a manner as to obstruct the loading and offloading of vessels from the ramp area are also prohibited.

"No Unattended Trailers, Trailer Storage Prohibited" - any and all trailers that are not attached to a vehicle will be towed to the local parish barn for storage. There shall be a service charge of fifty (\$50) dollars for the initial move and a storage fee of fifteen (\$15) dollars per day. The trailer shall be stored for a maximum of thirty (30) days. Any trailer stored in excess of thirty (30) days shall be disposed of by public sale or to be cut up and disposed of by the Parish.

D. The Sheriff of this Parish is hereby specifically requested to assist in the enforcement of the provisions and penalties of this Ordinance.

E. Any person who violates the provisions of this section shall, upon conviction thereof, be punished by imprisonment in the parish jail for a period of not more than thirty (30) days, or by fine of not more than five hundred dollars (\$500.00) or by both such imprisonment and fine, at the discretion of the Court.

(Ord. No. 3633, 6/28/05)

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SECTIONS 15:84 – 15:89. RESERVED

SECTION 15:90. AIR BOATS

A. Air boats shall not be launched or operated within one-half (1/2) mile of any populated area during the period beginning one-half (1/2) hour after sunset and ending at sunrise. Air boats may be launched and operated within one-half (1/2) mile of a populated area outside of the prohibited period only if the air boat is propelled at no more than idle speed in any area within a radius of one-fourth (1/4) mile from the nearest inhabited dwelling. For purposes of this section, an "air boat" shall be defined as any watercraft propelled by means of an air propeller powered by an engine of at least twenty-five (25) horsepower, and "idle speed" shall mean that speed attained by the watercraft using only the minimum amount of fuel necessary to keep the engine running. In no case, however, shall idle speed be more than five (5) miles per hour nor shall an engine at idle speed be allowed to turn faster than one thousand (1,000) revolutions per minute for purposes of this section.

B. The exhaust of any internal combustion engine used on any air boat shall be muffled in such a manner that the noise levels generated by said engine do not exceed levels prohibited by Section 20-102 of this code.

C. Air boats shall at all times be operated in compliance with all parish, state and federal laws and regulations, including any restrictions placed on the use of the air boats in a conditional letter of no objection or other project-specific regulation issued by the department of environmental affairs.

D. All air boats operated within the unincorporated portion of Lafourche Parish shall be registered with the Louisiana Department of Wildlife and Fisheries and shall at all times have the registration number issued by said department displayed on both sides of the rudder in figures of contrasting colors at least one (1) foot high and one (1) inch in width. In addition the registration numbers shall be displayed in the same color and size on the deck of decked air boats or on the bow of floor of air boats without decks in a manner so as to be visible from the air at all times.

E. No person shall without authority go into or upon or remain in or upon or attempt to go into or upon any immovable property which belongs to another, for the purpose of operating or using an air boat, after having been forbidden to do so, either orally or in writing, including by means of any sign as hereinafter described, by any owner, lessee, or custodian of the property or by any other person authorized by any such persons. For the purposes of this section, "sign" means any sign or signs posted on the immovable property in such place or places where the sign(s) may be reasonably expected to be seen.

F. Any person violating the provisions of this section or any persons who owns, leases, operated or controls any air boat found in violation of this section shall be punished by a fine not to exceed one hundred dollars (\$100.00) and/or imprisonment not to exceed thirty (30) days.

G. For the purpose of this section, "air boat" shall mean any boat or watercraft pushed, pulled or propelled by a propulsion mechanism similar to that of an airplane propeller, with a motor of more than twenty-five (25) horsepower.

H. Any person violating the provisions of this section shall, upon conviction by a court of law, be punished by a fine not exceeding one hundred dollars (\$100.00), or imprisonment not to exceed Thirty (30) days, or both.

(Ord. No. 2989A, 10/9/01)

SECTIONS 15:91 - 15:129. RESERVED

[RESERVED]

Sub-Chapter F**Noise Control*****Part I. In General*****SECTION 15:130. POLICY; CRIMINAL NOISE CODE**

It is hereby declared to be the policy of the parish to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power. At certain levels noises are detrimental to the health and welfare of the citizenry and in the public interests shall be systematically proscribed. Lafourche Parish Code of Ordinance sections 15-130 through 15-140 shall be designated as the criminal noise code. (Ord. No. 3598, 5/10/05)

SECTION 15:131. NOISE DEFINITIONS

All terminology used in the criminal noise code, not otherwise defined herein, shall be construed in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body. Subject to the foregoing, the following words and phrases, when used in the criminal noise code, shall have the meanings respectively ascribed to them:

A. *Ambient noise level or levels* means the sound level or noise in the environment and/or background which exists at a point of measurement in the absence of the sound or noise emission of interest complained of being measured.

B. *A-weighted sound level* means the sound pressure level in decibels as measured on a sound level meter using the A-weighting network. The level so read is designated dB(A) or dBA.

C. *Construction* means any site preparation, assembly, erection, substantial repair, alteration, or similar repair, alteration, or similar action, including demolition, for or of public or private rights-of-way, structures, utilities or similar property.

D. *Decibel (dB)* means a unit for measuring the volume of a sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (twenty (20) micronewtons per square meter).

E. *Demolition* means any dismantling, intentional destruction or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

F. *Emergency* means any occurrence or set of circumstances involving actual or imminent physical trauma or property-damage which demands immediate action.

G. *Emergency work* means any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

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H. *Impulsive sound* means sound of short duration, usually less than one second, with an abrupt onset and rapid decay. Examples of sources of impulsive sound include explosions, drop forge impacts, and the discharge of firearms. Impulsive sound also includes "peak noise," as that term is defined in ANSI SI.4-1983, or any successor thereto.

I. *Motor vehicle* means any vehicle which is propelled or drawn on land by a motor, such as, but not limited to, passenger cars, trucks, truck-trailers, semi trailers, campers, go-carts, amphibious craft on land, dune buggies, or racing vehicles, but not including motorcycles.

J. *Motorboat* means any vessel which operates on water and which is propelled by a motor, including but not limited to boats, barges, amphibious craft, water ski towing devices and hover craft.

K. *Motorcycle* means an unenclosed motor vehicle having a saddle for the use of the operator and two (2) or three (3) wheels in contact with the ground, including but not limited to motor scooters and minibikes, and an unenclosed motor vehicle having a saddle for the use of the operator and four (4) wheels in contact with the ground which is commonly referred to as a "four-wheeler" or alternatively as an "all-terrain vehicle."

L. *Muffler or sound-dissipative device* means a device for abating the sound of escaping gases of an internal-combustion engine.

M. *Noise* means any sound which unreasonably annoys or unreasonable disturbs humans and/or which causes and/or tends to cause an adverse psychological or physiological effect on humans.

N. *Noise disturbance* means any sound which:

1. Endangers or injures the safety or health of humans or animals; or
2. Annoys or disturbs a reasonable person of normal sensitivities; or
3. Endangers or injures personal or real property.

O. *Person* means any individual, association, partnership or corporation, and includes any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

P. *Property line* means an imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person, but not including intrabuilding real property divisions.

Q. *Public right-of-way* means any street, avenue, boulevard, highway, sidewalk or alley or similar place which is owned or controlled by a governmental entity.

R. *Public space* means any real property or structures thereon which are owned and/or controlled by a governmental entity.

S. *Pure tone* means any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of the Criminal Noise Code, a pure tone shall exist if the one-third octave band sound pressure level in the band when the tone exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third octave bands by five (5) dB for center frequencies of five hundred (500) Hz and above and by eight (8) dB for center frequencies between one hundred sixty (160) and four hundred (400) Hz and by fifteen (15) dB for center frequencies less than or equal to one hundred twenty-five (125) Hz.

T. *Receiving property* means the property from which the sound is measured, and includes public property and public rights-of-way.

U. *Sound* means an oscillation in pressure, particle displacement, particle velocity or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including direction, intensity and frequency.

V. *Sound level* means the weighted sound pressure level obtained by the use of a sound level meter and frequency weighting network such as A, B, or C as specified in American National Standards Institute specifications for sound level meters (ANSI S1.4-1983), or the latest approved revision thereof, measured in Fast Time weighting as defined in ANSI S1.4-1983, or any successor thereto. If the frequency weighting employed is not indicated, the A-weighting shall apply.

W. *Sound level meter* means an instrument which includes a microphone, amplifier, RMS detector, integrator or time averager, output meter, and weighting networks used to measure sound pressure levels.

X. *Sound pressure* means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space, as produced by sound energy.

Y. *Sound pressure level* means twenty (20) times the logarithm to the base ten (10) of the ratio of the RMS sound pressure to the reference pressure of twenty (20) micropascals (20×10^{-6} N/m²). The sound pressure level is denoted L, or SPL and is expressed in decibels.

(Ord. No. 3598, 5/10/05)

SECTION 15:132. DISTURBING THE PEACE

Noise of such character, intensity or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare is prohibited. (Ord. No. 3598, 5/10/05)

SECTION 15:133. EVIDENCE OF A VIOLATION

A. *Sound emanating from immovable property*. Prima facie evidence of a violation shall exist when each of the following exist:

1. A sound level measurement of the sound or noise complained of is taken on the receiving property in accordance with Sec. 15-134 herein;
2. The measurement of the sound or noise complained of exceeds permissible levels as enumerated in Sec. 15-136 herein; and;
3. The measurement of the sound or noise complained of exceeds ambient noise levels by ten (10) decibels or more.

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B. Sound emanating from movable property.

No person, between the hours of ten o'clock in the evening and seven o'clock the following morning, shall operate or permit the operation of any sound amplification system which emanates unreasonably loud or excessive sound or noise which is likely to cause and/or which causes inconvenience or annoyance to persons of ordinary sensibilities, when both the following exist:

1. The sound amplification system is located in or on any motor vehicle on a public street, highway, public park, public right-of-way, or public space.
2. The sound or noise emanating from the sound amplification system is:
 - a. Plainly audible to the unaided human ear at a distance greater than twenty-five (25) feet; or
 - b. Measured at eighty-five (85) decibels or more and is in excess of ambient noise levels by ten (10) decibels, when measured at any distance.

Furthermore, No person, between the hours of seven o'clock in the morning and ten o'clock in the evening shall operate or permit the operation of any sound amplification system which emanates unreasonably loud or excessive sound or noise which is likely to cause and/or which causes inconvenience or annoyance to persons of ordinary sensibilities, when both the following exist:

1. The sound amplification system is located in or on any motor vehicle on a public street, highway, public park, public right-of-way, or public space.
2. The sound or noise emanating from the sound amplification system is:
 - a. Plainly audible to the unaided human ear at a distance greater than fifty (50) feet; or
 - b. Measured at ninety (90) decibels or more and is in excess of ambient noise levels by ten (10) decibels, when measured at any distance.

(Ord. No. 3598, 5/10/05)

SECTION 15:134. PROCEDURES AND MEASUREMENTS

Unless otherwise provided in this chapter, sound level measurements shall be taken with a sound level meter microphone located at any point on the receiving property, real property boundary or other point as provided in this chapter, no closer than five (5) feet from any wall or vertical obstruction when possible, and where practicable not less than five (5) feet above ground level, but in no event less than three (3) feet above ground. (Ord. No. 3598, 5/10/05)

SECTION 15:135. IMPOUNDMENT

The police department may impound and retain as evidence any instrumentality used to create any sound or noise in violation of the criminal noise code, and, in the case of motor vehicles, the owner shall be responsible for ordinary towing and storage charges incurred in the course of the impoundment. Motor vehicles shall be impounded for no greater than seventy-two (72) hours, and shall be released as expeditiously as possible upon an inventory search of the subject vehicle being conducted to inventory any sound or noise making apparatus therein. Any vehicle impounded shall be released expeditiously as possible upon a showing to the seizing authority that the continued impoundment will pose a grave risk of harm or great hardship upon the owner or those whom rely upon the owner for transportation. (Ord. No. 15:135, 5/10/05)

SECTION 15:136. PROHIBITIONS

A. *Maximum permissible sound limits.* It shall be unlawful to make, cause or allow the making of any noise or sound which violates the provisions of this section.

1. No person shall operate or cause to be operated any source from any location in such a manner as to create a sound level which exceeds the limits set forth in Table 1 for the receiving land use category more than ten (10) percent of any measurement period, which period shall not be less than ten (10) minutes, when measured at or beyond the property boundary of the land use category from which the sound emanates, provided, however, that in the case of multifamily dwelling land use category, the sound level shall be measured within an adjacent intra-building dwelling.

2. For any source of sound, the sound level shall not exceed the maximum permissible sound level limit set forth in Table 1 by fifteen (15) dB(A) for all land use categories.

3. Sound level measurement shall be made with a sound level meter using the A-weighting scale in accordance with the standards promulgated by the American National Standards Institute.

**Table 1
Maximum Permissible Sound Levels By Receiving Land Use Category**

TABLE INSET:

Land Use Category	Time	Sound Level Limit (dB(A))
Residential, noise-sensitive area, public space	7:00 a.m. – 9:59 p.m.	70
	10:00 p.m. – 6:59 a.m.	55
Multifamily dwelling	7:00 a.m. – 9:59 p.m.	60
	10:00 p.m. – 6:59 a.m.	45
Commercial, convention	7:00 a.m. – 9:59 p.m.	70
	10:00 p.m. – 6:59 a.m.	60
Industrial	At all times	75

B. Exemptions. The following are exempt from sound level limits of Table 1:

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1. Domestic power tools, lawn movers and agricultural equipment, when operated with a muffler, between the hours of 7:00 a.m. to 9:00 p.m. on weekdays and Saturdays and 8:00 a.m. to 9:00 p.m. on Sundays and holidays.

2. Noises resulting from any authorized emergency vehicles when responding to an emergency.

3. Noises made by persons having obtained a permit.

4. Any noise resulting from activities of a temporary duration, for which a permit has been granted pursuant to this section, and which conforms to the conditions and limits stated thereon.

5. Noises from church bells and chimes.

6. Noises from temporary construction activity are exempt from Table 1, except that the industrial sound level limit shall apply in all land use categories and the restrictions for use of equipment in construction activity as stated.

7. Collection of garbage, refuse, or recyclables by the parish and/or its contractors.

8. Aircraft operations. Nothing in this section shall be construed to prohibit, restrict, penalize, enjoin or in any manner regulate the movement of aircraft and/or airport aircraft operations which are in all respects conducted in accordance with or pursuant to applicable federal laws or regulations.

C. *Specific prohibitions.* In addition to the general prohibitions set out above, the following specific acts are declared to be in violation of this section:

1. *Horns, signaling devices.* The sounding of any horn or signaling device on any motor vehicle on any street or public place in the parish continuously and/or incessantly for a period in excess of sixty (60) seconds, except as a danger warning.

2. *Radios, televisions, musical instruments and similar devices.*

a. The operating or playing of any radio, musical instrument or similar device which produces or reproduces sound on public right-of ways in such a manner as to exceed the maximum permissible sound levels by any receiving land use category set out in Table 1 of section 15-136 of the Lafourche Parish Code of Ordinances.

b. The operating or playing of any radio, television, phonograph, musical instrument or similar device which produces or reproduces sound in a motor vehicle or public park in a manner as to be plainly audible at a distance of fifty (50) feet.

c. The operating or playing of any radio, television, phonographs, musical instruments or similar device which produces or reproduces sound in such a manner as to exceed the levels set forth in Table 1 for the land use category.

3. *Loudspeakers and sound amplifiers.* The using or operating of any loudspeaker, loudspeaker system, sound amplifier or other similar device between the hours of 10:00 p.m. and 7:00 a.m. on weekdays, and 10:00 p.m. and 10:00 a.m. on weekends and holidays, within or adjacent to residential or noise sensitive areas such that the sound therefrom is plainly audible across the real property line of the source; provided, however, that this shall not apply to any public performance, gathering or parade for which a permit has been obtained.

4. *Street sales.* The offering for sale by shouting or outcry within any residential or noise-sensitive area except by permit issued by the parish if the shouting or outcry exceeds the maximum permissible sound levels shown in Table 1.

5. *Animals.* The owning, possessing, or harboring of any animal which frequently, or for continued duration, howls, barks, squawks, or makes other sounds which create excessive and unnecessary noise across a residential or commercial real property line or within a noise sensitive area. For the purpose of this section, "barking dog" shall mean a dog that barks, bays, cries, howls or makes any other noise continuously and/or incessantly for a period of ten (10) minutes, or barks intermittently for one-half (1/2) hour or more to the disturbance of any person at any time of day or night, regardless of whether the dog is physically situated in or upon private property; provided, however, that the dog shall not be deemed a "barking dog" if, at the time the dog is barking or making any other noise, a person is trespassing or threatening to trespass upon property in or upon which the dog is situated.

6. *Construction and demolition.* The operating of any equipment used in construction work within three hundred (300) feet of any residential or noise-sensitive area between the hours of 9:00 p.m. to 7:00 a.m. on weekdays and Saturdays and 9:00 p.m. to 8:00 a.m. on Sundays and holidays, except for emergency work. The construction firm shall report any use of construction equipment for emergency work within three hundred (300) feet of any residential or noise-sensitive area during the restricted hours as stated herein shall be reported before such work begins or as soon as possible thereafter to the department of inspection and code enforcement. The report shall state with sufficient details the nature of the emergency requiring the use of construction equipment.

7. *Emergency signaling devices:*

a. Except in cases of an emergency, the intentional sounding of any alarm between the hours of 10:00 p.m. and 7:00 a.m.

b. The testing of any alarm for a period in excess of sixty (60) seconds at any time.

c. The testing of a complete emergency signaling system, including the signaling device and the personnel response to the signaling device, more than once in each calendar month and the sounding of said emergency signaling system for a period in excess of fifteen (15) minutes.

8. *Motor vehicles.* No person shall operate or cause to be operated any motor vehicle, or motorcycle not equipped with a muffler in good working order and in constant operation. No person shall remove or render inoperative or cause to be removed or rendered inoperative, any muffler or sound-dissipative device on a motor vehicle or motorcycle other than for the purpose of maintenance, repair or replacement. In addition, subject to the exemptions provided in subsection (g) herein, no person shall operate or play, or permit the operation or playing of, any radio, television, phonograph, stereo, drum, musical instrument, sound amplifier or similar device which produces, reproduces or amplifies sound in such a manner as to create a noise disturbance at a distance of fifty (50) feet from such radio, television, phonograph, stereo, drum, musical instrument, sound amplifier or similar device when it is played or operated in or on a motor vehicle that is on any public right-of-way or in any public space.

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9. *Recreational motorized vehicles operating off public rights-of-way.* No person shall operate or cause to be operated any recreational motorized vehicle on a public right-of-way or on private property in such a manner that the sound level emitted therefrom exceeds levels listed in Table 1 of Section 15-136 including any pure tone or impulse sound, at or across the boundary of any private property receiving the sound or noise. This section shall apply to all recreational motorized vehicles, whether or not fully licensed and registered, including but not limited to commercial or noncommercial racing vehicles, motorcycles, go-carts, minibikes, snowmobiles, amphibious craft, campers and dune buggies, but not including motorboats. Sound measurements shall be performed in accordance with subsection (b) herein.

D. *Noise-sensitive zones.* It shall be unlawful for any person to create any sound or noise, including any pure tone, which exceeds fifty-five (55) dBA at or within the property line of the following facilities and at the following times:

1. Any public or private pre-school, day care, kindergarten, or primary or secondary school between the hours of 7:00 a.m. and 4:00 p.m. on weekdays when school is in session;
2. Any licensed nursing home or assisted living facility between the hours of 8:00 p.m. and 8:00 a.m.;
3. Any doctor's office, hospital, clinic, or out-patient surgery facility at any time;
4. Any funeral home at any time.

(Ord. No. 3598, 5/10/05)

SECTION 15:137. TEMPORARY PERMITS

A. The Parish of Lafourche nuisance office may grant a temporary permit which allows noncompliance with the limitations prescribed in the criminal noise code for the purpose of sound activities of short duration.

B. Permits may be granted upon application, at a cost of one hundred dollars (\$100.00), when said application is in compliance with the provisions of subsection (c) herein. This fee may be waived for non-profit corporations with the production of documentation certifying non-profit status.

C. The following factors shall be considered in the initial investigation in order to determine whether granting the permit will result in a condition injurious to health or safety:

1. Distance of proposed activities from any residential or noise-sensitive zone;
2. Number of amplification devices, if any, to be used in the proposed activities;
3. Sound level capability of amplification devices and anticipated sound level;
4. Anticipated direction of amplification devices;
5. Anticipated duration of proposed activities;
6. Whether the activity will be held within or outside of a structure;

7. Time of day and day of week of proposed activities;
8. Any other considerations deemed necessary by the department.

D. The permit, if issued, shall specify the place, duration and any restrictions appropriate to the proposed site of the activities.

E. Permits must be displayed and available for review by police officers or department personnel upon request.

F. Issued permits will be surrendered to any police officer or department or other parish official upon request when the restrictions of the permit have been violated.

G. Reapplication for a permit may be denied upon evidence of a complaint by a resident in the locality of the permitted activity or if an applicant has in the past been required to surrender a permit as described subsection (f).

H. A permit may be issued for more than one (1) occasion of activity. However, the time of such activity must be indicated on the application and cannot be for more than four (4) occasions or in excess of a six-week span.

I. Appeals: If the parish fails to grant or deny the variance within seven (7) calendar days, or if the variance is denied, the applicant may immediately appeal the denial to any court of competent jurisdiction.

(Ord. No. 3598, 5/10/05)

SECTION 15:140. PENALTY

Any person violating this section pertaining to noise emanating from within private structures or commercial establishments or structures, upon conviction thereof shall be fined one hundred dollars (\$100.00) for the first offense, and shall be fined five hundred dollars (\$500.00) and/or imprisoned for a period not to exceed ninety (90) days for the second offense, and shall be fined five hundred dollars (\$500.00) and shall be imprisoned for a period of not less than thirty (30) days and not to exceed ninety (90) days, without benefit of suspension of sentence, for the third and all subsequent offenses. Upon three (3) violations of this section, a court of competent jurisdiction may grant permanent injunctive relief against a violator. Any person violating this section pertaining to noise emanating from motor vehicles, upon conviction thereof shall be fined one hundred dollars (\$100.00) for the first offense, shall be fined two hundred fifty dollars (\$250.00) for the second offense, and shall be fined five hundred dollars (\$500.00) for the third and all subsequent offenses. (Ord. No. 3598, 5/10/05)

SECTION 15:141. SEVERABILITY

If any provision of the criminal noise code should be invalidated or found to be otherwise unenforceable by any court of competent jurisdiction, the remaining provisions shall be considered severable, and shall remain in full force and effect. (Ord. No. 3598, 5/10/05)

[RESERVED]