

CITY OF CROWLEY  
REGULAR COUNCIL MEETING  
MARCH 11, 2008

The Mayor and Board of Aldermen of the City of Crowley, Louisiana, the governing authority of the City of Crowley, met in a regular session at 6:00 p.m. Tuesday the 11<sup>th</sup> day of March, 2008 at the regular meeting place of said Mayor and Board of Aldermen, the Council Chambers, 426 North Avenue F, Crowley, Louisiana.

Mayor Greg A. Jones presided with the following Aldermen present: Elliot Doré, Jeff Doré, Lyle Fogleman Jr., Mary Melancon, Laurita Pete, Steven Premeaux, and Todd Whiting. Aldermen Vernon Martin and Kitty Valdetero were absent.

Alderman Elliot Doré led the Pledge of Allegiance to the flag and Alderman Jeff Doré gave the invocation.

**PUBLIC HEARINGS:**

- 1) Mayor Greg A. Jones opened the public hearing on proposed ordinance no. 1380, the ordinance to “amend and re-enact Sewer User Fees - to provide for a decrease in the minimum monthly amount of gallons used, for an increase in the base monthly fee for wastewater discharge and for an increase in the rate per 1,000 gallons” was read by title.

Mr. Thomas Regan asked for proponents to the proposed ordinance no. 1380. A third and final call was made with no one coming forward to speak.

The call for opponents of the proposed ordinance no. 1380 was made and there were no comments after the third and final call.

Mayor Greg A. Jones called the public hearing on ordinance no. 1380 to a close.

- 2) Mayor Greg A. Jones opened the public hearing on proposed ordinance no. 1381, the ordinance to “amend and re-enact Criminal Code – to provide for minimum fines to be levied by the court for various offenses” was read by title.

Mr. Thomas Regan asked for proponents to the proposed ordinance no. 1381. A third and final call was made with no one coming forward to speak.

The call for opponents of the proposed ordinance no. 1381 was made and there were no comments after the third and final call.

Mayor Greg A. Jones called the public hearing on ordinance no. 1381 to a close.

**READING & APPROVAL OF MINUTES / BILLS:**

Alderman Elliot Doré moved to dispense with the reading of the minutes of the February 12<sup>th</sup>, 2008 regular council meeting. Seconded by Alderman Steven Premeaux and duly adopted.

Alderman Steven Premeaux moved to approve all bills presented for payment. Seconded by Alderwoman Mary Melancon and duly adopted.

**MAYOR'S REPORT:**

Mayor Greg A. Jones presented the Sales Tax chart and User Fee chart that track the collection trend since fiscal 1992.

**CORRESPONDENCE:**

Mayor Jones read a letter from Mr. Kim Hayes that stated his official notification of resignation from his position as Crowley's City Prosecutor effective March 31, 2008. He has 15 years of service to the City.

**STANDING COMMITTEE REPORTS:**

**PUBLIC WORKS: Alderwoman Mary Melancon, Chairperson**

A motion was offered by Alderman Elliot Doré and seconded by Alderman Lyle Fogleman for the City to be named as co plaintiff with the Sixth Ward Gravity Drainage District in a law suit for damages from the dumping of large amounts of debris, including concrete and asphalt on the property abutting Bayou Blanc along the drainage canal. The City Attorney, Mr. Regan, is authorized to work with the Sixth Ward Drainage Board Attorney, Mr. Wimberly, on plans to proceed. Motion carried with an abstention from Alderwoman Mary Melancon.

A motion was offered by Alderwoman Mary Melancon and seconded by Alderman Elliot Doré to approve Partial Payment No. 11 for the Release of Retainage to R. Cloud Construction Co. under their contract with the City of Crowley for E. Andrus Street and W. Andrus Street LCDBG FY '04-'05 Street Improvements Project in the amount of \$49,939.75. Motion carried.

**UTILITY: Alderman Vernon Martin, Chairperson**

A motion was offered by Alderman Elliot Doré and seconded by Alderman Jeff Doré to approve Partial Payment No. 24 to M. P. Dumesnil Construction Co. for the North of I-10 Sewerage Improvements contract in the amount of \$73,641.82. Motion carried.

A motion was offered by Alderman Elliot Doré and seconded by Alderman Todd Whiting to authorize the Mayor to enter into a contract with E. B. Feucht to restore permanent sewerage service to John N. John Truckline using Option 2 described in Item 16 of the March 5, 2008 Engineering Report for the Crowley Utility Committee. Motion carried with an abstention from Alderwoman Mary Melancon.

**PUBLIC SAFETY: Alderman Todd Whiting, Chairperson**

A motion was offered by Alderman Todd Whiting and seconded by Alderman Steven Premeaux to approve a new 2008 Class B Retail Package Beer Permit and a new 2008 Class B Retail Package Liquor Permit for Bridgette A. Wiltuner, d/b/a Papa Johns & B's Liquor Store located at 1014 West Hutchinson Avenue contingent upon Chief Gibson approval. Motion carried.

A motion was offered by Alderman Todd Whiting and seconded by Alderwoman Mary Melancon to approve a new 2008 Class B Retail Package Beer Permit and a new 2008 Class B Retail Package Liquor Permit for John Patrick Broussard, d/b/a South Crowley Pantry located at 904 South Parkerson Avenue contingent upon Chief Gibson's approval. Motion carried with an abstention from Alderman Lyle Fogleman.

A motion was offered by Alderman Todd Whiting and seconded by Alderwoman Laurita Pete to approve the renewal of a 2008 Class A Retail Outlet Beer Permit and a 2008 Class A Retail Outlet Liquor Permit for Nelson Arceneaux, d/b/a American Legion Post #506 located at 624 West Third Street. Motion carried.

**INSURANCE & PERSONNEL: Councilwoman Laurita Pete, Chairperson**

A motion was offered by Alderwoman Laurita Pete and seconded by Alderman Jeff Doré to accept Police Department Personnel Report. Motion carried.

A motion was offered by Alderwoman Laurita Pete and seconded by Alderwoman Mary Melancon to accept the Fire Department Personnel Report. Motion carried.

A motion was offered by Alderwoman Laurita Pete and seconded by Alderman Elliot Doré to authorize the Mayor to execute the Business Associate Agreement from Compliance Administrators for our Insurance plan, contingent upon the City Attorney's approval. Motion carried.

**RECREATION: Alderman Steven Premeaux, Chairperson**

A motion was offered by Alderman Steven Premeaux and seconded by Alderwoman Mary Melancon to authorize up to \$25,000 for construction of a batting cage for the girls field and refer to Revenue and Finance. Motion carried.

**REVENUE & FINANCES: Alderwoman Kitty Valdetero, Chairperson**

A motion was offered by Alderman Todd Whiting and seconded by Alderman Elliot Dore' to adopt a Resolution required by DOTD to express Council concurrence in the award of the contract to Merrick Construction for the Downtown Sidewalk, Street, and Safety Improvements Project. Mayor Jones is authorized to submit payment to DOTD in the amount of \$422,719 from General Fund that will provide the estimated remaining funding required for the project. Motion carried.

A motion was offered by Alderman Todd Whiting and seconded by Alderwoman Laurita Pete to authorize up to \$25,000 for construction of a batting cage for the girls field and fund within the Recreation's Department budget. Motion carried.

A motion was offered by Alderman Todd Whiting and seconded by Alderwoman Mary Melancon to table the settlement of the workers compensation claim from Jacob Hanks. Motion carried.

A motion was offered by Alderman Todd Whiting and seconded by Alderwoman Laurita Pete to engage Kolder, Champagne, Slaven & Company, CPA for auditing services for the year ending August 31, 2008. Motion carried.

**RESOLUTIONS:**

The following resolution was offered by Alderwoman Mary Melancon, duly seconded by Alderman Steven Premeaux, and duly resolved and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, "CONCURRING" WITH THE LOUISIANA DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT (LDOTD) IN AWARDING THE CONTRACT TO THE LOW BIDDER; AUTHORIZING AN AMENDMENT TO THE COOPERATIVE ENDEAVOR AGREEMENT; AUTHORIZING THE EXECUTION OF SUPPLEMENTAL AGREEMENT NO. 2; TO INCREASE THE AMOUNT OF CONTRIBUTION OF CITY FUNDS; TO AMEND THE BUDGET; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

WHEREAS, the City of Crowley and the Louisiana Department of Transportation (LDOTD) have executed a cooperative endeavor agreement entitled “Historic Parkerson Avenue Redevelopment, Route LA Highway 13, State Project Nos. 057-02-0028, 057-03-0048, Federal Aid Project No. 0102(508) and State Project No. 744-01-0009”; and

WHEREAS, the LDOTD received bids for the project and has recommended the award of the contract to the apparent low bidder, Merrick Construction, in the amount of \$4,989,764.00 and request the City concur with the LDOTD in awarding the contract; and

WHEREAS, the bid amount is in excess of the current funds available for the project as bid and LDOTD has requested the City increase its contribution to fund the difference in the amount of \$272,219.00 and to provide cash for the Capital Outlay contribution of \$150,500.00 until the City is able to draw Capital Outlay Funds; and

WHEREAS, it is necessary the City of Crowley designate a source of additional funding for the project and authorize an increase in the budget to cover the cost of the project; and

WHEREAS, a supplement to the Cooperative Endeavor Agreement is necessary;

NOW THEREFORE, BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened, they do hereby authorize, empower and direct the Honorable Greg A. Jones, Mayor of the City of Crowley, to “concur in the award” of the contract to Merrick Construction Co. by the Louisiana Department of Transportation and Development Transportation (LDOTD) of the “Historic Parkerson Avenue Redevelopment, Route LA Highway 13, State Project Nos. 057-02-0028, 057-03-0048, Federal Aid Project No. 0102(508) and State Project No. 744-01-0009”; and

BE IT FURTHER RESOLVED that the additional funding for the project be and it is hereby appropriated from the General Fund balance in the amount of \$ 423,000.00. and the Honorable Judy L. Istre, City Clerk of the City of Crowley, be and she is hereby authorized, empowered and directed to prepare a budget amendment for the appropriation from the General Fund balance to the Public Works Capital Outlay Budget for the project; and

BE IT FURTHER RESOLVED that the Honorable Greg A. Jones, Mayor, be and he is hereby authorized, empowered and directed to immediately transmit the “concurrence” to award the contract and immediately pay the amount invoiced to the LDOTD as requested; and

BE IT FURTHER RESOLVED that the Honorable Greg A. Jones, Mayor, and the Honorable Judy L. Istre, City Clerk, be and they are hereby authorized, empowered and directed to execute any agreements and all documents as may be meet and proper in the premises and to do all things as may be necessary and proper in the premises to complete said transaction;

THUS DONE AND ADOPTED in regular session duly convened on the 11<sup>th</sup> day of March, 2008, in Crowley, Acadia Parish, Louisiana, at which a quorum was present and acting throughout.

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GREG A. JONES, Mayor

ATTEST:

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JUDY L. ISTRE, City Clerk

The following resolution was offered by Alderman Todd Whiting, duly seconded by Alderman Steven Premeaux, and duly resolved and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, DECLARING HANDHELD AND VEHICLE RADIOS AS SURPLUS EQUIPMENT AND AUTHORIZING THE SALE TO THE ACADIA PARISH POLICE JURY ROAD DIVISION BY INTERGOVERNMENTAL AGREEMENT; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

WHEREAS, the Crowley Police Department recently purchased and installed a new communication system with new handheld portable units and vehicle radios which are operating at a different frequency than the present system; and

WHEREAS, certain Kenwood radio units are not compatible with the new equipment and are therefore no longer needed by the Crowley Police Department; and

WHEREAS, it is necessary to declare the radios and equipment to be surplus property; and

WHEREAS, the Acadia Parish Police Jury Road Division have expressed interest in purchasing the radio units and it is necessary to authorize the sale of the radios and equipment to the Acadia Parish Police Jury Road Division by Intergovernmental Agreement; and

WHEREAS, the equipment has been valued at a price between \$250.00 per unit;

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened that they do hereby declare that the following radio units are no longer needed for use by the Crowley Police Department and are hereby declared to be surplus property, to-wit:

- 1) One (1) Kenwood TK-980; Serial #21100567 w/microphone
- 2) One (1) Kenwood TK-940, Serial #81101384 w/microphone
- 3) One (1) Kenwood TK-940, Serial #81002337 w/microphone
- 4) One (1) Kenwood TK-940, Serial #81101382 w/microphone
- 5) One (1) Kenwood TK-980, Serial #40700257 w/microphone
- 6) One (1) Kenwood TK-980, Serial #20700522 w/microphone; and

BE IT FURTHER RESOLVED that Honorable Greg A. Jones, Mayor of the City of Crowley, be and he is hereby authorized, empowered and directed to offer for sale of the radio equipment described above "As Is and Without Any Warranty Whatsoever" to the Acadia Parish Police Jury Road Division for the sum of \$250.00 each and to satisfactorily conclude said transaction by execution of an Intergovernmental Agreement with the Acadia Parish Police Jury Road Division with the description of the surplus equipment and the amount sold therefor, to acknowledge receipt for the price of same and to do and perform all things necessary as may be required in conclude said transaction as may be meet and proper in the premises.

THUS DONE AND ADOPTED in regular session duly convened on the 11<sup>th</sup> day of March, 2008, in Crowley, Acadia Parish, Louisiana.

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GREG A. JONES, Mayor

ATTEST:

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JUDY L. ISTRE, City Clerk

The following resolution was offered by Alderman Todd Whiting, duly seconded by Alderwoman Mary Melancon, and duly resolved and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, INTRODUCING A PROPOSED ORDINANCE AND CALLING FOR A PUBLIC HEARING CONCERNING SAME.

WHEREAS, an ordinance has been proposed to be adopted by the Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana; and

WHEREAS, the proposed ordinance must be introduced by its title and a public hearing must be held prior to its adoption; and

WHEREAS, the title of the proposed ordinance must be published in the official journal and the notice shall provide the time, date and place where the Board will consider its adoption;

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened that the following ordinance be and it is hereby introduced for consideration at the next regular meeting of the Mayor and Board of Aldermen, to-wit:

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 4-17 OF CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY TO PROVIDE FOR THE IMPOUNDING, DISPOSITION, AND EUTHANASIA OF ANIMALS; TO PROVIDE FOR THE PROSECUTION FOR VIOLATIONS THEREOF; TO PROVIDE FOR ALL MATTERS IN CONNECTION THEREWITH; TO PROVIDE THE PROVISIONS HEREOF BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith ON IN CONFLICT HERETO.

BE IT FURTHER RESOLVED by the Mayor and Board of Aldermen that the City Clerk shall publish the following notice in the Crowley Post Signal:

NOTICE OF PROPOSED ADOPTION OF ORDINANCE

The Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, shall meet on the 8<sup>th</sup> day of April, 2008 at 6:00 o'clock p.m. in the Council Chambers, City Hall, Crowley, Louisiana, to consider the adoption of the following ordinance:

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 4-17 OF CHAPTER 4 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY TO PROVIDE FOR THE IMPOUNDING, DISPOSITION, AND EUTHANASIA OF ANIMALS; TO PROVIDE FOR THE PROSECUTION FOR VIOLATIONS THEREOF; TO PROVIDE FOR ALL MATTERS IN CONNECTION THEREWITH; TO PROVIDE THE PROVISIONS HEREOF BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HERewith ON IN CONFLICT HERETO.

Copies of the proposed ordinance are available for a nominal fee in the office of the City Clerk, City Hall, Crowley, Louisiana.

THUS DONE AND SIGNED on this the 11<sup>th</sup> day of March, 2008.

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JUDY L. ISTRE, City Clerk

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THUS DONE AND ADOPTED in regular session duly convened on the 11<sup>th</sup> day of March, 2008, in Crowley, Acadia Parish, Louisiana, at which a quorum was present and acting throughout.

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GREG A. JONES, Mayor

ATTEST:

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JUDY L. ISTRE, City Clerk

The following resolution was offered by Alderman Jeff Doré, duly seconded by Alderwoman Mary Melancon, and duly resolved and adopted.

A RESOLUTION OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF RAYNE TO AUTHORIZE THE USE OF THE OUTDOOR STAGE EQUIPMENT; AND TO PROVIDE FOR ALL MATTERS RELATIVE THERETO.

WHEREAS, the City of Rayne is the Co-Sponsor of "Relay for Life" and has requested the City of Crowley's assistance by providing outdoor stage equipment; and

WHEREAS, the City of Crowley desires to support and assist the City of Rayne by providing such equipment;

NOW THEREFORE BE IT RESOLVED by the Mayor and Board of Aldermen of the City of Crowley, Acadia Parish, Louisiana, in regular session duly convened that they do hereby authorize, empower and direct the Honorable Greg A. Jones, Mayor of the City of Crowley, to execute an Intergovernmental Agreement between the City of Crowley and the City of Rayne authorizing the use of the City of Crowley's portable outdoor stage equipment by the City of Rayne for the "Relay for Life" event and to provide a trained supervisor to direct and assist the assembly and disassembly of the equipment; and

BE IT FURTHER RESOLVED that Honorable Greg A. Jones, Mayor, is hereby authorized, empowered and directed to do all things as may be meet and proper in the premises.

THUS DONE AND ADOPTED in regular session duly convened on the 11<sup>th</sup> day of March, 2008, in Crowley, Acadia Parish, Louisiana, at which a quorum was present and acting throughout.

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GREG A. JONES, Mayor

ATTEST:

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JUDY L. ISTRE, City Clerk

**ORDINANCES:**

The following amended Ordinance was offered by Alderman Steven Premeaux, duly seconded by Alderman Elliot Doré and duly ordained and adopted.

ORDINANCE NO. 1380

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 10-30 OF DIVISION 1.5 OF ARTICLE II OF CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY, TO PROVIDE FOR A DECREASE IN THE MINIMUM NUMBER OF GALLONS DISCHARGED AND TO INCREASE THE AMOUNT OF THE BASE USER FEE FOR WASTEWATER DISCHARGE; TO PROVIDE FOR AN INCREASE IN THE RATE PER 1,000 GALLONS AFTER THE MINIMUM; TO PROVIDE AN EFFECTIVE DATE THEREFOR; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH OR IN CONFLICT HERETO.

WHEREAS, this ordinance has been duly introduced and notice of this ordinance and notice of the public hearing having been published; and

WHEREAS, a public hearing having been held in accordance with law on the 11<sup>th</sup> day of March, 2008 at 6:00 o'clock p.m. at City Hall, Crowley, Louisiana; and

WHEREAS, the monthly sewer user fee has not been adjusted since October 1, 1995 and the current revenue received from the sewer user fees is no longer adequate to pay the cost of operation, maintenance, replacement, improvement, to maintain adequate reserve funds, and to pay the annual cost to service the bond indebtedness; and

WHEREAS, the City Auditors have recommended that in order to pay the cost of operation, maintenance, replacement, improvement, maintain adequate reserve funds and pay the cost to service the bond indebtedness, the base user fee should be increased by adjusting the minimum volume discharged and increasing the charge therefore and to increase the rate for each one thousand gallons discharged thereafter; and

WHEREAS, it is the finding of the Mayor and Board of Aldermen of the City of Crowley that the sewer user fee must be increased and the recommendation of the City Auditors represents a reasonable and equitable plan to fairly distribute the cost of operation, maintenance and debt service to all users of the wastewater treatment and disposal system of the City of Crowley.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, IN REGULAR SESSION DULY CONVENED THAT:

SECTION 1: Section 10-30 of Division 1.5, Sewer Service User Fee Charges, of Article II of Chapter 10 of the Code of Ordinances of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 10-30. User fee.**

(a) There is hereby authorized to be collected by the city from each contributor, commencing April 1, 2008, a monthly sewerage service charge or user fee to pay the reasonable and necessary costs of administration, operation, maintenance, replacement, and improvement of the sewerage system, including the payment of debt services and reserve requirements on sewer revenue bonds of the city issued for the purposes of acquiring and construction of additions and improvements to the sewerage system of the city, as follows:

(1) In the utility service area, for the first two thousand (2,000) gallons or less of wastewater discharge, a base user fee of eleven dollars (\$11.00) per month for each contributor; plus

(2) In the utility service area, for wastewater discharge in excess of two thousand (2,000) gallons, a user fee in the amount of two dollars and eighty-five cents (\$2.85) per one thousand (1,000) gallons of wastewater discharge or twenty-eight and one-half cents (\$0.285) for each one hundred (100) gallons of wastewater discharge.

(3) In the utility service area, in addition to the amounts above, the surcharge referred to in section 10-32(7), for discharge of wastewater exceeding the strength of two hundred (200) parts per million in biochemical oxygen demand or two hundred fifty (250) parts per million in total suspended solids.

(4) In the utility service area, in addition to the amounts above, the connection, reconnection charges and late charges, including interest for nonpayment or late payment of the user fee.

(b) There is hereby additionally authorized to be collected by the city from each contributor, commencing April 1, 2008, and each year thereafter, for the purposes provided for above, a monthly sewer service charge or user fee in the aggregate amounts described in subsections (a)(1) through (a)(3) above, subject to adjustments as may hereafter be adopted and approved by the governing authority of the city each year in accordance with the provisions of this division.

SECTION 2: This ordinance shall become effective April 1, 2008.

SECTION 3: If any provision, part, word, section, subsection, sentence, clause or phrase of this ordinance should be held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance and do hereby declare the provisions hereof to be severable there in that event, only that particular provision, part, word, section, subsection, sentence, clause or phrase shall be deemed unconstitutional or invalid and the remaining provisions, parts, words, sections, subsections, sentences, clauses or phrases will not be affected and shall continue in full force and effect; and

SECTION 4: All ordinances or parts of ordinances inconsistent with or in conflict hereto be and the same are hereby repealed;

THUS DONE AND ADOPTED in regular session duly convened on the 11<sup>th</sup> day of March, 2008 at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS: Elliot Doré, Jeff Doré, Lyle Fogleman, Mary Melancon, Laurita Pete, Steven Premeaux, and Todd Whiting

NAYS: None

ABSTAIN: None

ABSENT: Vernon Martin, and Kitty Valdetero

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GREG A. JONES, Mayor

ATTEST:

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JUDY L. ISTRE, City Clerk

The following Ordinance was offered by Alderman Elliot Doré, duly seconded by Alderwoman Mary Melancon and duly ordained and adopted.

ORDINANCE NO. 1381

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 1-8 OF CHAPTER 1 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY; TO AMEND AND RE-ENACT SECTION 7-20, ET AL OF ARTICLE II OF CHAPTER 7 OF THE CRIMINAL CODE OF THE CITY OF CROWLEY; TO AMEND AND RE-ENACT SECTIONS 14-1 ET SEQ OF ARTICLE I, SECTION 14-20 OF ARTICLE II AND SECTION 14-40 OF ARTICLE III OF CHAPTER 14 OF THE CODE OF ORDINANCES OF THE CITY OF CROWLEY; TO PROVIDE FOR MINIMUM FINES TO BE LEVIED BY THE COURT FOR VARIOUS OFFENSES; TO PROVIDE FOR ALL MATTERS RELATIVE THERETO; TO PROVIDE FOR THE PROVISIONS HEREOF TO BE SEVERABLE; AND TO REPEAL ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT HEREWITH ON IN CONFLICT HERETO.

WHEREAS, this ordinance has been duly introduced and notice of this ordinance and notice of the public hearing having been published; and

WHEREAS, a public hearing having been held in accordance with law on the 11<sup>th</sup> day of March, 2008 at 6:00 o'clock p.m. at City Hall, Crowley, Louisiana; and consider its adoption; and

WHEREAS, the general penalty provisions and individual provisions of the Code of Ordinances of the City of Crowley fixing fines for offenses for unlawful or misdemeanor acts authorizes a maximum fine but does not set a minimum amount for such convictions; and

WHEREAS, it is in the best interest of the City of Crowley to fix a minimum fine to be established in order to provide regular and uniform treatment of all offenders and to increase revenue to the Court; and

WHEREAS, the cost of provided law enforcement is a significant and substantial cost which imposes an ever-increasing burden upon revenues and a reasonable portion of those costs should be born by offenders through the payment of fines in addition to court costs.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CROWLEY, ACADIA PARISH, LOUISIANA, IN REGULAR SESSION DULY CONVENED THAT:

SECTION 1: Section 1-8 of Chapter 1 of the Code of Ordinances of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 1-8. General penalty.**

It shall be unlawful for any person to violate or fail to comply with any provision of this Code or to commit any act declared to be unlawful or a misdemeanor and where no specific penalty is provided therefor, the violation of any provision of this Code shall be punished by a fine not less than fifty dollars (\$50.00) and not exceeding five hundred dollars (\$500.00) or imprisonment for a term not exceeding sixty (60) days or by both such fine and imprisonment, within the discretion of the court. Each day any violation of any provision of this Code shall continue constitutes a separate offense.

SECTION 2: Section 7-21 of Article II of Chapter 7 of the Criminal Code of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 7-21. Same – Simple.**

(a) *Defined.* Simple assault is an assault committed without a dangerous weapon.

(b) *Prohibited.* Whoever commits a simple assault shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both.

SECTION 3. Section 7-22 of Article II of Chapter 7 of the Criminal Code of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 7-22. Same – Aggravated.**

(a) Aggravated assault is an assault committed with a dangerous weapon.

(b) Whoever commits the crime of aggravated assault shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both.

SECTION 4. Section 7-24 of Article II of Chapter 7 of the Criminal Code of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 7-24. Same –Simple battery.**

(a) *Defined.* Simple battery is a batter, without the consent of the victim, committed without a dangerous weapon.

(b) *Prohibited.* Whoever commits a simple battery shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both.

SECTION 5. Section 7-25 of Article II of Chapter 7 of the Criminal Code of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 7-25. Criminal mischief.**

(a) *Defined.* Criminal mischief is the intentional performance of any of the following acts:

(1) Tampering with any property of another, without the consent of the owner, with the intent to interfere with the free enjoyment of any rights of anyone thereto, or with the intent to deprive anyone entitled thereto of the full use of the property; or

(2) Giving of any false alarm of fire or notice which would reasonably result in an emergency response; or

(3) Giving of any false report or complaint to any officer of the law relative to the commission of, or an attempt to commit, a crime; or

(4) 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

(5) Throwing any stone or any other missile in any street, avenue, alley, road or highway, or open space or public square, or enclosure, or throwing any stone or other missile from any place into any street, avenue, road or highway, alley, open space, public square or enclosure; or

(6) 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

(7) The communication to any person for the purpose of disrupting any public utility water service, when the communication causes any officer, employee, or agent of the service reasonably to be placed in sustained fear for his or another person's safety, or causes the evacuation of a water service building, or causes any discontinuance of any water services; or

(8) The discharging of any firearm within the corporate limits; or

(9) Placing graffiti upon immovable or movable property, whether publicly or privately owned, without the consent of the owner, by means of the use of spray paint, ink, marking pens containing a nonwater soluble fluid, brushes, applicators, or other materials for marking, scratching, or etching. "Graffiti" includes but is not limited to any sign, inscription, design, drawing, diagram, etching, sketch, symbol, lettering, name or marking placed upon immovable or movable property in such a manner and in such a location as to deface the property and be visible to the general public.

(b) Whoever commits criminal mischief shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both.

SECTION 6. Section 7-26 of Article II of Chapter 7 of the Criminal Code of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 7-26. Illegal possession of stolen things.**

(a) Illegal possession of stolen things is the intentional possession, procuring, receiving or concealing of anything of value which has been the subject of any robbery or theft, under circumstances which indicated that the offender knew or had good reason to believe that the thing was a subject of one of these offenses.

(b) Whoever commits the crime of illegal possession of stolen things and the value of the stolen thing is less than five hundred dollars (\$500.00), the offender shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both.

(c) It shall be an affirmative defense to a violation of this section committed by means of possessing that the accused within seventy-two (72) hours of such accused person's acquiring knowledge or good reason to believe that the thing was a subject of robbery or theft reports that fact or belief in writing to the city prosecutor or the district attorney in the city.

SECTION 7. Section 7-27 of Article II of Chapter 7 of the Criminal Code of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 7-27. Theft.**

(a) Theft is the misappropriation or taking of anything of value which belongs to another, either without the consent of the other to the misappropriation or taking or by means of fraudulent conduct, practices or representations. Intent to deprive the other permanently of whatever may be the subject of the misappropriation or taking is essential.

(b) Whoever commits theft and the misappropriation or taking is valued at less than five hundred dollars (\$500.00), the offender is guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both.

SECTION 8. Section 7-28 of Article II of Chapter 7 of the Criminal Code of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 7-28. Issuing worthless checks.**

(a) (1) Issuing worthless checks is the issuing and exchange for anything of value whether the exchange is contemporaneous or not with the intent to defraud of any check, draft or order for the payment of money upon any bank or other depository knowing at the time of the issuing that the offender has not sufficient credit with the bank or the depository for the payment of such check, draft or order in full upon its presentation. This provision shall apply to payments on installment contracts or open accounts.

(2) The offender's failure to pay a check, draft or order issued for value within ten (10) days after notice of its nonpayment upon presentation has been deposited by certified mail in the United States mail system addressed to the issue thereof either at the address shown on the instrument or the last known address for such person shown on the records of the bank upon which such instrument is drawn or within ten (10) days after delivery or personal tender of written notice to said issuer by the payee or the payee's agent shall be presumptive evidence of the intent to defraud.

(b) Issuing worthless checks is also the issuing and 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 when the offender knows at the time of the issuing that the account designated on the check, draft or order has been closed or is nonexistent or fictitious or is one in which the offender has no interest or one on which the offender has no authority to issue such check, draft or order.

(c) Whoever commits the crime of issuing worthless checks when the amount of the check is less than five hundred dollars (\$500.00) is guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both.

(d) 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, draft or order.

SECTION 9. Section 7-29 of Article II of Chapter 7 of the Criminal Code of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 7-29. Unauthorized use of a movable.**

(a) Unauthorized use of a movable is the intentional taking or use of a 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.

(b) Whoever commits the crime of authorized use of a movable having a value of less than one thousand dollars (\$1,000.00) is guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both.

SECTION 10. Section 7-31 of Article II of Chapter 7 of the Criminal Code of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 7-31. Disorderly place – Keeping.**

(a) *Defined.* Keeping a disorderly place is the intentional maintaining of a place to be used habitually for any illegal purpose.

(b) Whoever commits keeping a disorderly place shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both.

SECTION 11. Section 7-31 of Article II of Chapter 7 of the Criminal Code of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 7-32. Same – Letting.**

(a) *Defined.* Letting a disorderly place is the granting of the right to use any premises knowing that it is to be used as a disorderly place, or allowing the continued use of the premise with such knowledge.

(b) Whoever commits letting a disorderly place shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both.

SECTION 12. Section 7-33 of Article II of Chapter 7 of the Criminal Code of the City of Crowley be and it is hereby repealed.

SECTION 13. Section 7-34 of Article II of Chapter 7 of the Criminal Code of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 7-34. Disturbing the peace.**

(a) *Disturbing the peace* is the doing of any of the following in such a manner as would foreseeably disturb or alarm the public:

(1) Engaging in a fistic encounter or fight; or

(2) Addressing any offensive, derisive or annoying words to any other person who is lawfully in any street, or other public place; or calling any other person therein by any offensive or derisive name; or making any noise or exclamation in such person's presence and hearing with the intent to deride, offend or annoy such person; or preventing such person from pursuing such person's lawful business, occupation or duty; or

(3) Addressing any offensive, derisive or annoying word to any other person or calling any other person any offensive or derisive name, which words or names would have a direct tendency to cause acts of violence by the person to whom the remark is addressed; or

(4) Appearing in an intoxicated condition; or

(5) Engaging in any act in a violent and tumultuous manner by any three (3) or more persons; or

(6) Holding of an unlawful assembly; or

(7) Interruption of any lawful assembly of people; or

(b) Whoever commits the crime of disturbing the peace or disorderly conduct shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both.

SECTION 14. Section 7-35 of Article II of Chapter 7 of the Criminal Code of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 7-35. Fortunetelling, palmistry, conducting séances, phrenology.**

(a) *Defined.* "Fortunetelling" is the practice of foretelling or purporting to foretell future events in a person's life or engaging in the practice of foretelling events and the prophecy of the future; "palmistry" is the practice of reading a person's character or future by the marks or markings in the palm of a person's palm; "conducting séances" is conducting meetings for the purpose of receiving spirit communications or purported spirit

communications; and “phrenology” is the study of the conformation of the skull as indicative or purporting to be indicative of mental faculties.

(b) Whoever commits fortunetelling, palmistry, conducting séances or phrenology shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both.

SECTION 15. Section 7-36 of Article II of Chapter 7 of the Criminal Code of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 7-36. Gambling.**

(a) *Defined.* Gambling is the intentional conducting or directly assisting in the 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.

(b) Whoever commits gambling shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both.

SECTION 16. Section 7-38 of Article II of Chapter 7 of the Criminal Code of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 7-38. Junk dealers to keep records.**

(a) All persons engaged in the business of buying and selling scrap iron, brass, old metals, old machinery and other junk shall be required to keep in a well bound book the names of the persons from whom any articles are purchased, together with a description of the article so purchased. Said book shall be open to inspection at any time by the police officers of the city.

(b) Whoever fails to keep such records required herein shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both.

SECTION 17. Section 7-40 of Article II of Chapter 7 of the Criminal Code of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 7-40. Peeping tom.**

(a) *Prohibited.* No person shall perform such as will make such a “Peeping Tom” on or about the premises of another, or go upon the premises of another for the purpose of becoming a “Peeping Tom”.

(b) *Defined.* “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.

(c) Whoever commits the above act shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both.

SECTION 18. Section 7-41 of Article II of Chapter 7 of the Criminal Code of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 7-41. Resisting an officer.**

(a) *Defined.* Resisting an officer is the intentional opposition or resistance to, or obstruction of, an individual acting in such officer’s official capacity and authorized by law

to make a lawful arrest or seizure of property, or to serve any lawful process or court order, when the offender knows or has reason to know that the person arresting, seizing property or serving process is acting in such person's official capacity. The phrase "obstruction of" as used herein shall, in addition to its common meaning, signification and connotation, mean:

(1) Flight by one sought to be arrested before the arresting officer can restrain such person and after notice is given that such person is under arrest.

(2) Any violence toward or any resistance or opposition to the arresting officer after the arrested person is actually placed under arrest and before the arrested person is incarcerated in jail.

(3) Refusal by the arrested person to give such person's name and make such person's identity known to the arresting officer.

(4) Congregation with others on a public street and refusing to move on when ordered by the officer.

(b) Whoever commits resisting an offer shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both.

SECTION 19. Section 7-43 of Article II of Chapter 7 of the Criminal Code of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 7-43. Weapons – Illegal carrying.**

(a) *Defined.* Illegal carrying of weapons is:

(1) The intentional concealment of any firearm, or other instrumentality customarily used or intended for probable use as a dangerous weapon, on one's person; or

(2) The ownership, possession, custody or use of any firearm, to other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; or

(3) The ownership, possession, custody or use of any tools, or dynamite or nitroglycerin, or explosives, or other instrumentality customarily used by thieves or burglars at any time by any person with the intent to commit a crime; or

(4) The manufacture, ownership, possession, custody or use of any switch blade knife, spring knife or other knife or similar instrument having a blade which may be automatically unfolded or extended from a handle by the manipulation of a button, switch, latch or similar contrivance.

(b) *Penalty.* Whoever commits illegal carrying of weapons shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both.

(c) *Exemptions.* The provisions of this section except paragraph (2) of subsection (a), shall not apply to sheriffs and their deputies, state and city police, constables and marshals, or persons vested with police power when in the actual discharge of official duties.

SECTION 20. Section 7-44 of Article II of Chapter 7 of the Criminal Code of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 7-44. Same – Illegal use generally.**

(a) *Defined.* Illegal use of weapons or dangerous instrumentalities is the intentional or the criminally negligent discharge of any firearm or air gun, or the throwing, placing or other use of any article, liquid or substance where it is foreseeable that it may result in death or great bodily harm to a human being, unless such discharge is reasonably required for the protection of life or property.

(b) *Penalty.* Whoever commits illegal use of weapons shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both.

SECTION 21. Section 7-45 of Article II of Chapter 7 of the Criminal Code of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 7-45. Same – Possession in a place where alcoholic beverages are sold and consumed on the premises.**

(a) It shall be unlawful for any person to have in such person's possession a firearm or other instrumentality customarily used or intended for probable use as a dangerous weapon on any premises where alcoholic beverages are sold and consumed on the premises; except, the owners or lessees of the premises or their employees, sheriff, deputy sheriffs, state police, city police, constables, city marshals or persons vested with police powers when acting in the discharge of their duties.

(b) Whoever commits the above act shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both.

SECTION 22. Section 7-50 of Article II of Chapter 7 of the Criminal Code of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 7-50. Barbed wire.**

(a) It shall be unlawful to place, erect or maintain any barbed wire on any street or public way in the city or on the property line between private property, except that owned by a public utility and used for public utility purposes, and on any street or public way, in any district of the city zoned for residential use.

(b) It shall be unlawful to place, erect or maintain any barbed wire on the property line between private property and any street, public way, public park or public recreation area at a height of less than six (6) feet above ground level in any district zoned for commercial or industrial use.

(c) It shall be unlawful to place, erect or maintain any barbed wire on the property line between public property and property in a residential district owned by a public utility and used for public utility purposes and any street, public way, public park or public recreation area at a height of less than six (6) feet above ground level.

(d) The provisions hereof shall not be applicable to property and for farming or pasturage.

(e) Whoever shall commit the above act(s) shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both.

SECTION 23. Section 7-54 of Article II of Chapter 7 of the Criminal Code of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 7-54. Parks, playgrounds, recreation areas; prohibited acts.**

(a) It shall be unlawful and a violation of this section for any person to commit any of the following acts and/or offenses in any public park, playground, recreation center, recreation building or outdoor recreation area of the city:

(1) Bring into, possess or consume any malt, vinous or alcoholic beverage on any of the above areas or facilities; except that, in those facilities or areas under a rental contract agreement with the recreation department, upon approval of the recreation director, such beverages may be possessed and consumed in the facility or area subject to such rental

agreement, under the terms and conditions and for the specified time of such rental agreement.

(2) Sale of alcoholic beverage shall be prohibited except where a special permit has been obtained for a special event and approved by the mayor and board of aldermen and chief of police and shall be served for consumption on the immediate premises of the concession only.

(3) Sleep, loiter or lounge on park benches, seats, swings, other areas, doorways, isles, streets, alleys or walkways.

(4) Bring into, possess or use in any such facility or area any rake combs, knives, firearms, air guns, spring guns, bows, arrows, slings, pointed or edged instrumentalities, clubs or any other forms of weapons customarily used and intended for probable use or readily capable of use as a dangerous weapon.

(5) Enter or remain in any such facility or area, other than the designated swimming pool area, attired in bathing or swimming suits.

(6) Solicit for contributions for any purpose except for recreation department sanctioned activities.

(7) Bring into, possess or use glass containers for any purpose in any park, playground, swimming pool or recreation area.

(8) Build or attempt to build any fire, except in designated picnic areas with specified pits or cooking areas.

(9) Park a vehicle other than in an established or designated parking area, stop or park in any roadway, except when posted directions and instructions of attendants.

(10) Dump, deposit or leave any paper, boxes, cans, rubbish, waste, garbage, refuse or other trash anywhere on the grounds, but in a proper receptacle where provided and where a receptacle is not provided, all such rubbish, trash and waste shall be carried away from the park area by the persons responsible for its presence and properly disposed of elsewhere.

(11) Enter or remain in any public park, playground, outdoor area or any recreational facility after 8:00 p.m. or sundown, or in any area designated and posted as closed at any time, except as follows:

(1) Sanctioned recreation department activities;

(2) Facilities under written rental contract;

(3) Lighted tennis courts until 10:00 pm.

(12) Violate any posted rule or regulation limiting the use of any designated area for a particular purpose or use as posted in areas designated for certain activities, including but not limited to baseball, basketball, football, bicycling, jogging, walking or other activities which listing herein shall be merely illustrative.

(b) Any person convicted of violating any provisions of this section shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both.

SECTION 24. Section 7-55 of Article II of Chapter 7 of the Criminal Code of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 7-55. Urinating in public places.**

(a) It shall be unlawful for any person to urinate on the streets, in gutters, on sidewalks, or in alleys, driveways, or other places near the streets, alleys, sidewalks or other places of public resort.

(b) Whoever commits the crime of urinating in public places shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days, or both.

SECTION 25: Section 14-1 of Article I of Chapter 14 of the Code of Ordinances of the City of Crowley is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 14-1. State laws adopted.**

(a) Pursuant to the authority conferred by Louisiana Revised Statutes, Section 32:4(C) as amended, the provisions of Louisiana Revised Statutes, Title 32, Chapter 1, the Highway Regulatory Act, as now enacted and as hereafter amended, and all regulations of the state department of transportation and the secretary of the department of public safety, as now or hereafter adopted pursuant thereto, except for such provisions and regulations as by their nature can have no application in the city and except as now or hereafter otherwise provided in this Code or by ordinance, be and the same are hereby adopted.

(b) Any person violating any of said provisions or regulations shall be punished by a fine of not less than the amount shown in the below schedule as the minimum and not more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days or both within the discretion of the Court as hereinafter listed, to-wit:

**Fine Schedule**

Louisiana Revised Statute	Charge (Offense)	Minimum Fine
LA R.S. 32:54	Overload on Soil Cement	\$110.00
LA R.S. 32:54	Speeding (01 – 10)	\$50.00
LA R.S. 32:54	Speeding (11 – 14)	\$65.00
LA R.S. 32:54	Speeding (15 – 19)	\$80.00
LA R.S. 32:54	Speeding (20 plus)	\$100.00
LA R.S. 32:62	Default or Unsafe Vehicles	\$75.00
LA R.S. 32:251		\$75.00
LA R.S. 32:252		\$75.00
LA R.S. 32:253		\$75.00
LA R.S. 32:123	Disobeying Stop Sign	\$50.00
LA R.S. 32:231	Disobeying Traffic Signal (Light)	\$50.00
LA R.S. 32:232		\$50.00
LA R.S. 32:233		\$50.00
LA R.S. 32:234		\$50.00
LA R.S. 32:71	Driving Left of Center	\$50.00
LA R.S. 32:303	Driving Without Lights	\$50.00
LA R.S. 32:58	Careless Operation	\$50.00
LA R.S. 32:123	Failure to Yield	\$50.00
LA R.S. 32:81	Following to Closely	\$50.00
LA R.S. 32:286		\$50.00
LA R.S. 32:72	Improper Passing / Lane Usage	\$50.00
LA R.S. 32:73		\$50.00
LA R.S. 32:74		\$50.00
LA R.S. 32:75		\$50.00
LA R.S. 32:76		\$50.00
LA R.S. 32:77		\$50.00
LA R.S. 32:125		\$50.00
LA R.S. 32:101	Improper Turn (Left or Right)	\$50.00
LA R.S. 32:102		\$50.00
LA R.S. 32:122		\$50.00
LA R.S. 32:101	Illegal U-Turn	\$50.00
LA R.S. 32:143	Obstruction of Traffic	\$50.00
LA R.S. 32:143.1		\$50.00

LA R.S. 32:282		\$50.00
LA R.S. 32:322	Failure to Dim Lights	\$50.00
LA R.S. 32:281	Improper Starting / Backing	\$50.00
LA R.S. 32:141	Improper Parking	\$40.00
LA R.S. 32:143		\$40.00
LA R.S. 32:143.1		\$40.00
LA R.S. 32:144		\$40.00
LA R.S. 32:146		\$40.00
		Failure to Report an Accident
LA R.S. 32:52	Expired Drivers License	\$40.00
LA R.S. 32:52	No Drivers License (Never Had)	\$100.00
LA R.S. 32:51	Expired License Plate	\$40.00
LA R.S. 32:51	No License Plate	\$50.00
LA R.S. 32:51	Switched License Plate	\$150.00
LA R.S. 32:53	Expired Inspection Sticker	\$40.00
LA R.S. 32:53	No Inspection Sticker	\$60.00
LA R.S. 32:52	Permitting an Unlicensed Driver to Drive	\$40.00
LA R.S. 32:191	No Motor Cycle Endorsement	\$50.00
LA R.S. 32:191.1		\$50.00
LA R.S. 32:191.2		\$50.00
LA R.S. 32:191.3		\$50.00
LA R.S. 32:352	Improper Exhaust / Muffler	\$50.00
LA R.S. 32:353		\$50.00
LA R.S. 32:295	Child Restraint Law	\$50.00
	Hit & Run	\$200.00
LA R.S. 32:295.1	Seat Belt Violation	\$25.00
LA R.S. 32:141	Handicap Parking Violation	\$250.00
LA R.S. 32:143		\$250.00
LA R.S. 32:143.1		\$250.00
LA R.S. 32:144		\$250.00
LA R.S. 32:146		\$250.00
LA R.S. 32:141	Fire Zone Violation	\$100.00
LA R.S. 32:143		\$100.00
LA R.S. 32:143.1		\$100.00
LA R.S. 32:144		\$100.00
LA R.S. 32:146		\$100.00
LA R.S. 32:190.1	Eye Protection (Motorcycle)	\$40.00
LA R.S. 32:58	Reckless Operation	\$200.00
LA R.S. 32:65	Drag Racing	\$200.00
LA R.S. 32:190	No Helmet	\$100.00

SECTION 26: Section 14-21 of Article II of Chapter 14 of the Code of Ordinances of the City of Crowley is hereby amended and re-enacted by adding section (c) to read as follows, to-wit:

(c) Any person violating any of said provisions or regulations shall be punished by a fine of not less than the amount shown in the below schedule as the minimum and not more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days or both within the discretion of the Court as hereinafter listed, to-wit:

Louisiana Revised Statute	Charge (Offense)	Minimum Fine
LA R.S. 32:54	Speeding (01 – 10)	\$50.00
LA R.S. 32:54	Speeding (11 – 14)	\$65.00
LA R.S. 32:54	Speeding (15 – 19)	\$80.00
LA R.S. 32:54	Speeding (20 plus)	\$100.00

SECTION 27: Section 14-32 of Article II of Chapter 14 of the Code of Ordinances of the City of Crowley is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 14-32. Reckless operation of a vehicle.**

(a) *Defined.* Reckless operation of a vehicle is the operation of a motor vehicle, aircraft, vessel or other means of conveyance, in a criminally negligent or reckless manner.

(b) Whoever commits reckless operation shall be guilty of a misdemeanor and shall be fined not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days or both such fine and imprisonment within the discretion of the Court.

SECTION 28: Section 14-33 of Article II of Chapter 14 of the Code of Ordinances of the City of Crowley is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 14-33. Hit-and-run driving.**

(a) *Definitions.* “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 render reasonable aid; “to give his identity”, for the purpose of this article, shall mean that the driver of any vehicle involved in any accident shall give his name, address and the license number of the vehicle, or shall report the accident to the police.

(b) Whoever commits the crime of hit-and-run shall be guilty of a misdemeanor and shall be fined no less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days or both such fine and imprisonment within the discretion of the Court.

SECTION 29: Section 14-39 of Article III of Chapter 14 of the Code of Ordinances of the City of Crowley be and it is hereby amended and re-enacted to read as follows, to-wit:

**Sec. 14-39. Penalty for parking violations.**

Except as otherwise provided herein, any person committing or attempting to commit any violation of the regulations governing the parking of, standing and stopping of vehicles, upon conviction thereof, shall be fined not less than forty dollars (\$40.00) nor more than two hundred dollars (\$200.00) or imprisoned for not more than ten (10) days, or both such fine and imprisonment, in the discretion of the court.

SECTION 30: If any provision, part, word, section, subsection, sentence, clause or phrase of this ordinance should be held invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance and do hereby declare the provisions hereof to be severable there in that event, only that particular provision, part, word, section, subsection, sentence, clause or phrase shall be deemed unconstitutional or invalid and the remaining provisions, parts, words, sections, subsections, sentences, clauses or phrases will not be affected and shall continue in full force and effect; and

SECTION 31: All ordinances or parts of ordinances inconsistent with or in conflict hereto be and the same are hereby repealed;

THUS DONE AND ADOPTED in regular session duly convened on the 11<sup>th</sup> day of March, 2008 at Crowley, Acadia Parish, Louisiana, after a roll call vote as follows:

YEAS: Elliot Doré, Jeff Doré, Lyle Fogleman, Mary Melancon, Laurita Pete, Steven Premeaux, and Todd Whiting

NAYS: None

ABSTAIN: None

ABSENT: Vernon Martin, and Kitty Valdetero

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GREG A. JONES, Mayor

ATTEST:

\_\_\_\_\_  
JUDY L. ISTRE, City Clerk

**OTHER BUSINESS:**

There being no further business to come before the Council upon motion duly made by Alderwoman Mary Melancon and seconded by Alderman Elliot Doré the meeting was adjourned at 7:20 p.m.

\_\_\_\_\_  
GREG A. JONES, Mayor

ATTEST:

\_\_\_\_\_  
JUDY L. ISTRE, City Clerk

Presented rough draft to Mayor on March 12, 2008 at 4:30 p.m.

Presented for Mayor's signature on March 12 2008 at 4:30 p.m.

Mayor signed & returned to City Clerk on March \_\_\_\_\_, 2008 at \_\_\_\_\_ .m.