

**DOCUMENTATION
SUPPORTING CITIZEN
COMPLAINTS**

&

**RELEVANT TOWN
ORDINANCES**

Sec. 15-183. - Unnecessary noise.

- (a) *Prohibited.* It shall be unlawful for any person to make, continue or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others, within the corporate limits.
- (b) *Nonexclusive enumeration.* The following acts, among others, are declared to be loud disturbing and unnecessary noises and noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:
 - (1) *Horns or signal devices.* The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any noise for any unreasonable period of time.
 - (2) *Radio, phonograph or any musical instrument.* The playing of any radio, phonograph or any musical instrument in such a manner or with such volume, as to annoy or disturb the quiet, comfort or repose of persons in any office, hospital, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity.
 - (3) *Yelling, shouting, etc.* Yelling, shouting, hooting, whistling, or singing on the public streets, or at any time or place so as to annoy or disturb the quiet, comfort, repose of persons in any hospital, dwelling, hotel, or other type of residence, or of any persons in the vicinity.
 - (4) *Animals, birds, etc.* The keeping of any animal, bird or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.
 - (5) *Defect in vehicle or load.* The use of any automobile, motorcycle, streetcar or vehicle so out of repair or loaded in such manner as to create loud and unnecessary grating, grinding, rattling or other noise.
 - (6) *Steam whistles.* The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work, or as a warning of fire or danger, or upon the request of proper authorities.
 - (7) *Exhausts.* The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motorboat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

- (8) *Construction and repairing of buildings.* The erection (including excavating), demolition, alteration or repair of any building in any residential district or section, the excavation of streets or highways in any residential district or section other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays, except in case of urgent necessity, in the interest of public health and safety, and then only with a permit from the street superintendent inspector, which permit may be granted for a period not to exceed 30 days while the emergency continues. If the street superintendent should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 6:00 p.m. and 7:00 a.m., and if he shall further determine that loss or inconvenience would result to any party in interest, he may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.
- (9) *Schools, courts, churches, hospitals.* The creation of any excessive noise on any street adjacent to any school, institution of learning, church or court while the same are in use or adjacent to any hospital, which unreasonably interferes with the working of such institution or which disturbs or unduly annoys patients in a hospital.
- (10) *Loading, unloading.* The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (11) *Drums, loudspeakers.* The use of any drum, loudspeakers or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale or display of merchandise.
- (12) *Loudspeakers on trucks.* The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.
- (13) *Loudspeakers for advertising.* The use or operation, or the causing to be used or operated, in front of or outside of any building, place, or premises, or through any window, doorway or opening of such building abutting upon the public street, or upon any public street any device or apparatus for tapping windows, or for amplifying sound from any radio or phonograph, or any sound reproducing device.
- (14) *Hawkers, peddlers and vendors.* The shouting or crying of peddlers, hawkers and vendors which disturbs the peace and quiet of the neighborhood.
- (c) *Exceptions.* None of the terms or prohibitions of this section shall apply to or be enforced against:

- (1) Any publicly owned vehicle while engaged upon necessary public business.
 - (2) Excavations or repairs of bridges, streets or highways by or on behalf of any public agency during the night, when the public welfare and convenience renders it impossible to perform such work during the day.
 - (3) The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character, and for which a permit is first obtained from the town.
- (d) *Penalty.* Whoever violates the provisions of this section shall be punished as the following:
First offense fine shall be \$250.00, seconded offense fine shall be \$500.00, third offense fine shall be \$500.00 plus mandatory jail sentence.

(Code 1973, § 18-66; Ord. No. 664, 2-7-06)

State Law reference— Generally, R.S. 30:2011; defined, R.S. 30:2053.

Sec. 4-29. - Cancellation or suspension of license.

The mayor may cancel or suspend the license or permit required by this article, when in a direct proceeding brought by the board of aldermen or after evidence heard in a criminal proceeding in his court, when it appears that:

- (1) The retailer is conducting his business in a disorderly manner, permitting disturbances of the peace, and the operation of the business as a disorderly house and in such manner as to disturb the public peace and quiet of the neighborhood.
- (2) The retailer is permitting the loitering in and around his business of persons in an intoxicated condition.
- (3) The retailer is violating or permitting to be violated the provisions of the federal and state laws regulating the sale of the beverages named in section 4-52.
- (4) The retailer is violating or permitting to be violated the federal laws against intoxicating liquors.
- (5) The retailer is violating or permitting to be violated any of the state laws against gambling, lotteries and slot machines.
- (6) The retailer is habitually violating or permitting to be violated any other state laws involving moral turpitude.
- (7) The hiring of any persons barred from employment in the sale of beverages covered by this article pursuant to section 4-82.
- (8) The retailer is selling alcoholic beverages or spirituous liquors to any person under the age of 18 years. It shall be required of the retailer before the first purchase of an alcoholic beverage is made to request a valid pictured driver's license showing the customer's age. The retailer may ask for a valid pictured driver's license to obtain the customer's age thereafter.

(Code 1973, § 4-24)

Sec. 15-62. - Consumption of alcoholic beverages—On public streets, etc., and around privately owned retail stores.

- (a) It shall be unlawful to possess an open container of an alcoholic beverage on the public streets, sidewalks, public squares, parking lots and/or around privately owned retail stores.
- (b) The above provisions shall be suspended on the following holidays:
 - (1) Mardi Gras holidays.
 - (2) Official July 4th holidays.
 - (3) Official dates of the Celebration de Lete of St. Joseph's Catholic Church.
 - (4) Official dates of the Coming Home Festival.
- (c) Whoever shall be convicted of an offense under this section shall be fined in accordance with section 1-8.

(Code 1973, § 18-72; Ord. No. 569, § 1, 3-19-96; Ord. No. 579, § 1, 4-1-97; Ord. No. 677, § 1, 10-2-07)

Sec. 15-139. - Use of glass beverage containers on public property.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Glass and/or bottle containers of alcoholic beverages shall mean all glass and/or bottle containers containing alcoholic beverages, including but not limited to bottles, returnable and nonreturnable, made of glass or hard plastic, glass jugs, jars and/or drinking glasses.

Glass and/or bottle containers of soft drinks shall mean all glass and/or bottle containers containing nonintoxicating beverages, including but not limited to bottles, drinking glasses, jars and jugs.

Glass containers and/or bottles shall mean containers and/or bottles, such as are made into any hard or brittle substance formed by the fusion of siliceous matter such as fine sand with some alkali, containing any liquid substance.

Public property shall mean and include public parks, including but not limited to Sportsman Park and Bethune Park and all grounds located outside of enclosed buildings on public squares.

- (b) *Prohibition.* No person shall bring and/or use glass containers or bottles, returnable or nonreturnable, containing alcoholic or nonalcoholic substances upon the public property within the town.
- (c) *Penalties.* Any person who shall violate any provision, regulation or requirements of this order shall, upon conviction thereof, be punished by a fine of not less than \$10.00 and not more than \$20.00 or imprisonment for a term not exceeding 30 days or by both such fine and imprisonment within the discretion of the court.

(Code 1973, § 18-70)

Sec. 15-64. - Simple littering prohibited; intentional littering prohibited; gross littering prohibited; criminal penalties; court costs.

(a) *Simple littering.*

- (1) No person shall dispose of, or create a condition that the person knew or should have known was likely to result in the disposal of, litter upon any public place in this town, upon private property in this town not owned by him, upon property located in a rural area in this town not owned by him, or in or on the waters of this state within the Town of Welsh, whether from a vehicle or otherwise, including but not limited to any public highway, public right-of-way, public park, beach campground, forest land, recreational area, trailer park, highway, road, street or alley.
- (2) Persons found liable under the provisions of this subsection shall be assessed the following penalties and costs:
 - a. For the first violation, such person shall either be fined \$75.00 or given the option to perform eight hours of community service in a litter abatement work program in lieu of the assessed \$75.00 fine.
 - b. For the second and each subsequent violation, such person shall either be fined not less than \$200.00 nor more than \$500.00 or given the option to perform not less than 16 hours nor more than 32 hours of community service in a litter abatement work program in lieu of the assessed \$500.00 fine.
- (3) If the litter is disposed from a motor vehicle, boat, or conveyance, except a bus or large passenger vehicle or a school bus, all as defined in R.S. 32:1, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be an inference that the possessor committed the act of disposing.
- (4) When litter disposed in violation of this section is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings, which display the name of a person or in any other manner indicate that the article belongs or belonged to such person, there shall be an inference that such person has violated this section.
- (5) The person shall be cited for the offense by means of a citation, summons, or other means provided by law.
- (6)

A person may be found guilty or held liable and fined under this section although the commission of the offense did not occur in the presence of a law enforcement officer if the evidence presented to the court establishes that the defendant has committed the offense.

- (7) For the purposes of this section, each occurrence shall constitute a separate violation.
- (8) In addition to penalties otherwise provided, a person convicted or held liable under this section shall repair or restore property damaged by or pay damages for any damage arising out of the violation of this section.

(b) *Intentional littering.*

- (1) No person shall intentionally dispose or permit the disposal of litter upon any public place in the Town of Welsh, upon private property in this town not owned by him, upon property located in rural areas in this town not owned by him, or in or on the waters of this state within the town, whether from a vehicle or otherwise, including but not limited to any public highway, public right-of-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley, except when such property is designated by the state or by any of its agencies or political subdivisions for the disposal of such litter and such person is authorized to use such property for such purpose.
- (2) Whoever violates the provisions of this subsection shall:
 - a. Upon first conviction, be fined \$200.00 and sentenced to serve eight hours of community service in a litter abatement work program as approved by the court.
 - b. Upon second conviction, be fined \$250.00 and sentenced to serve 16 hours of community service in a litter abatement work program as approved by the court.
 - c. Upon third or subsequent conviction, be fined not less than \$300.00 and sentenced to serve 16 hours of community service in a litter abatement work program as approved by the court.

(c) *Gross littering prohibited; criminal penalties; indemnification.*

- (1) No person shall intentionally dispose or permit the disposal of any household or office furniture or appliances, automotive parts, including but not limited to tires and engines, trailers, boats, boating accessories, tools and equipment, building materials, roofing nails, and bags or boxes of household or office garbage or refuse upon any public place in the Town of Welsh, upon private property in this town not owned by him, upon property located in rural areas in this town not owned by him, or in or on the waters of this state within the Town of Welsh, whether from a vehicle or otherwise, including but

not limited to any public highway, public right-of-way, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley, except when such property is designated by the state or by any of its agencies or political subdivisions for the disposal of such item and such person is authorized to use such property for such purpose.

- (2) a. If the litter listed in subsection (a) is disposed of from a motor vehicle, boat, or conveyance, except a bus or large passenger vehicle or a school bus, all as defined by R.S. 32:1, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be an inference that the possessor committed the act of disposing.
 - b. When litter disposed in violation of this section is discovered to contain any article or articles, including but not limited to letters, bills, publications, or other writings, which display the name of a person or in any other manner indicate that the article belongs or belonged to such person, there shall be an inference that such person has violated this section.
- (3) The person shall be cited for the offense by means of a citation, summons, or other means provided by laws.
- (4)
 - a. Whoever violates the provisions of this section shall, upon first conviction, be fined not less than \$400.00 and sentenced to serve ten hours of community service in a litter abatement work program as approved by the court.
 - b. Upon second conviction, an offender shall be fined not less than \$450.00 and sentenced to serve 20 hours of community service in a litter abatement work program as approved by the court.
 - c. Upon third and subsequent conviction, an offender shall be fined not less than \$500.00 and sentenced to serve 40 hours of community service in a litter abatement work program as approved by the court.
 - d. The judge may require an individual convicted of a violation of this section to remove litter from state highways, public rights-of-way, public playgrounds, public parks, or other appropriate locations for any prescribed period of time in lieu of the penalties prescribed in this section.
- (5) A person may be found guilty and fined under this section although the commission of the offense did not occur in the presence of a law enforcement officer if the evidence presented to the court establishes that the defendant has committed the offense.

- (6) For the purposes of this section, each occurrence shall constitute a separate violation.
- (7) In addition to penalties otherwise provided, a person convicted under this section shall repair or restore property damaged by or pay damages for any damage arising out of the violation of this section.
- (d) A person convicted under this section shall be ordered to pay all court costs as allowed by law.
- (e) Notwithstanding any provision to the contrary, this section shall not apply to any activity by persons owning or operating duly licensed commercial vehicles engaged in the collection and transportation of solid waste, construction, or demolition debris or wood waste, as such terms are defined by the rules and regulations of the department of environmental quality, occurring in the course of servicing scheduled pickup routes pursuant to commercial or local government contracts or en route to an authorized pickup station, transfer station, or disposal facility. To qualify for the exemption provided for this subsection, the commercial vehicle shall be covered at all times, except during loading and unloading, in a manner that prevents rain from reaching the waste, prevents waste from falling or blowing from the vehicle, or ensures that leachate from the waste is not discharged from the vehicle during transportation.

(Code 1973, § 18-75; Ord. No. 754, § 1, 9-1-15)