

Chapter 28 - OFFENSES AND MISCELLANEOUS PROVISIONS

Current
Code*Footnotes:*

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State Law reference— *Maximum penalties for violation of parish ordinances, R.S. 33:1243.*

ARTICLE I. - IN GENERAL

Sec. 28-1. - Litter.

- (a) It shall be unlawful for any nonresident of the parish to throw, drop, deposit, discard, dump or leave any glass, metal, wood, paper, boxes, trash, leaves, refuse, garbage, debris, litter or other objects of any nature or kind into, on or around any trash or garbage dumpsters, solid waste container or dumpster or container sites located in the parish which are owned, leased, operated or maintained by the police jury, its agents or assigns.
- (b) It shall be unlawful for any person to deface, remove signs from, or alter, damage or destroy any trash or garbage dumpsters or solid waste containers located in the parish which are owned, leased, operated or maintained by the police jury, its agents or assigns.
- (c) It shall be unlawful for any person to throw, drop, deposit, discard, dump or leave anything other than household garbage into any trash or garbage dumpsters or solid waste containers located in the parish which are owned, leased, operated or maintained by the police jury, its agents or assigns. Household garbage shall not include dead animals, tree limbs, treetops, logs, appliances, construction debris, vehicle parts, bicycle parts, machinery parts, paint, paint thinners, paint strippers, chemicals, furniture, batteries, tires, and other similar objects.
- (d) It shall be unlawful for any person to throw, drop, deposit, discard, dump or leave any glass, metal, wood, paper, boxes, trash, leaves, refuse, garbage, debris, litter or other, objects of any nature or kind upon any public road, public road right-of-way, or ground near, around or adjacent to any trash or garbage dumpsters, solid waste containers or container sites located in the parish which are owned, leased, operated or maintained by the police jury, its agents or assigns.
- (e) It shall be unlawful for any person to throw, drop, deposit, discard, dump or leave any glass, metal, wood, paper, boxes, trash, leaves, refuse, garbage, debris, litter or other objects of any nature or kind upon any private land of another without the express permission of the owner of said land.
- (f) It shall be unlawful for any person to throw, drop, deposit, discard or dump any glass, metal, wood, paper, boxes, trash, leaves, refuse, garbage, debris or other objects of any nature or kind off of any public road, bridge or drainage structure into any creek, stream or waterway located in the parish.

- (g) It shall be unlawful for any person to operate or permit the operation of a truck, trailer or other motor vehicle containing glass, metal, wood, paper, boxes, trash, leaves, refuse, garbage, debris or other objects of any kind upon the public roads and highways of the parish, where said glass, metal, wood, paper, boxes, trash, leaves, refuse, garbage, debris or other objects are not adequately covered or otherwise secured so that said glass, metal, wood, paper, boxes, trash, leaves, refuse, garbage, debris or other objects are blown or otherwise fall from the truck, trailer or motor vehicle upon a public road, public road right-of-way, upon the property adjacent thereto, or upon the property of another.
- (h) Once it is established that thrown, dropped, deposited, discarded, dumped or left glass, metal, wood, paper, boxes, trash, leaves, refuse, garbage, debris, litter, or other objects was possessed by a particular person immediately before the act of throwing, dropping, depositing, discarding, dumping or leaving, there shall be a rebuttable presumption that said person committed the act of throwing, dropping, depositing, discarding, dumping, or leaving said objects.
- (i) If the throwing, dropping, depositing, discarding, dumping or leaving of glass, metal, wood, paper, boxes, trash, leaves, refuse, garbage, debris, litter or other objects was done from a motor vehicle, except a bus, school bus or large passenger vehicle, as defined in R.S. 32:1, it shall be prima facie evidence that the throwing, dropping, depositing, discarding, dumping or leaving was done by the driver of the motor vehicle.
- (j) A person may be convicted and punished under this section although the commission of the offense did not occur in the presence of a law enforcement officer if the preponderance of the evidence presented to the court indicates that the defendant has committed the offense.
- (k) Any person violating the provisions of this section shall upon conviction thereof be punished as follows:
- (1) Upon first conviction, an offender shall be fined not less than \$300.00 nor more than \$500.00, and/or sentenced to serve eight hours of community service in a work detail to remove trash, litter or debris from public roads, public road rights-of-way, public parks, public recreation areas or grounds near, around or adjacent to trash or garbage dumpsters, solid waste containers, or dumpster or container sites, or other appropriate locations.
 - (2) Upon second conviction, an offender shall be fined not less than \$400.00, nor more than \$500.00, and/or sentenced to serve 16 hours of community service in a work detail to remove trash, litter or debris from public roads, public road rights-of-way, public parks, public recreation areas or grounds near, around or adjacent to trash or garbage dumpsters, solid waste containers, or dumpster or container sites, or other appropriate locations.
 - (3) Upon third or subsequent conviction, an offender shall be fined not less than \$500.00 and/or sentenced to serve 32 hours of community service in a work detail to remove trash, litter or debris from public roads, public road rights-of-way, public parks, public recreation areas or

grounds near, around or adjacent to trash or garbage dumpsters, solid waste containers or dumpster or container sites, or other appropriate locations.

(l) A trial for the violation of any of the provisions of this section, of section 28-2, or of R.S.

30:2531(B) may be conducted in a justice of the peace court as provided for in R.S. 13:2586.

(Code 1979, § 7-2; Ord. No. 138-94(3), § 1, 10-25-1994; Ord. No. 268-04-(4), §§ 1, 2, 12-14-2004)

Sec. 28-2. - Scavenging.

It shall be unlawful for any persons to scavenge rural refuse containers, owned, operated and maintained by the parish, or any other containers located on a rural refuse container site, maintained by the parish police jury. The term "scavenging," as used herein, shall include removing material of any type from the container, going inside of the container or by any means causing the contents of container to be ejected from said container or containers; provided, however, that this section shall not apply to employees, agents or other personnel duly authorized by the parish police jury to service and maintain such rural refuse containers and sites.

(Code 1979, § 7-3; Ord. No. 21-81(3), § 1, 8-25-1981)

Sec. 28-3. - Enforcement of sections 28-1 and 28-2.

Justices of the peace in those wards where the offenses occur shall have concurrent jurisdiction over litter violations prohibited herein by sections 28-1 and 28-2 and by R.S. 25:1111 subject to the penalty provided by R.S. 25:111(E).

(Code 1979, § 7-4; Ord. No. 93-89(3), § 1, 10-10-1989)

Sec. 28-4. - Stereos, audio devices and noise-producing instruments.

- (a) The use of any stereo, audio device or noise-producing instrument of any kind in any manner so as to disturb the quiet and comfort of persons in any residence, business, hospital, hotel or other building, or of any persons in the vicinity thereof shall be unlawful. If the sound created by the stereo, audio device or noise producing instrument is audible by any persons at a distance of 30 feet from the stereo, audio device or noise producing instrument that is creating the sound, or the building or structure from which such sound originates, then the sound shall be presumed to disturb the quiet and comfort of such person.
- (b) The operation of any such stereo, audio device or noise producing instrument shall also be unlawful when:
 - (1) The stereo, audio device or noise-producing instrument is located in any motor vehicle on a public street, highway, public space or within the motor vehicular area of any public or private parking lot or park; and