CITY ORDINANCE NO. CO-005-2021

AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL AMENDING THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT CODE OF ORDINANCES CHAPTER 62, "OFFENSES AND MISCELLANEOUS PROVISIONS," SPECIFICALLY ARTICLE I, "CRIMES AND OFFENSES IN THE CITY OF LAFAYETTE," PARTICULARLY TO ADD SECTION 62-89.1 "DOWNTOWN CURFEW HOURS FOR MINORS"

BE IT ORDAINED by the Lafayette City Council, that:

WHEREAS, the Lafayette City Council finds that certain revisions to Chapter 62, Article I are necessary.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Lafayette City Council, that:

SECTION 1: All of the above "Whereas" clauses are adopted as part of this ordinance.

SECTION 2: Article I "Crimes and Offenses in the City of Lafayette" of Chapter 62 of the Lafayette City-Parish Consolidated Government Code of Ordinances is hereby amended to add Section 62-89.1 to read as follows:

Sec. 62-89.1 – Downtown Curfew hours for minors.

(a) *Definitions.*

(1) *Downtown Curfew hours* means 10:00 p.m. until 6:00 a.m. of the following day.

(2) *Minor* means any person under 18 years of age who has not been emancipated under Louisiana law.

(3) *Custodian* means a "parent" as defined in Louisiana Children's Code, Article 116, or a person with "legal custody" as defined in Louisiana Children's Code, Article 116, or a person to whom the care or supervision of the child has been temporarily and lawfully delegated or assigned.

(4) *Public place* means any public street, private street, sidewalk, corner, road, highway, avenue, alley, park, playground, wharf, dock, public building, and appurtenant open space, vacant lot or other place used by or open to the public.

(5) *Establishment* means any privately-owned place where business is carried on for a profit or any place of amusement or entertainment to which the public is invited.

(6) *Remain* means to tarry, stay, loiter, idle, wander, stroll, or play.

(7) *Permit* means to knowingly allow or knowingly fail to prevent; or to fail to prevent due to lack of reasonable efforts or concern or due to failure to supervise or control.

(8) *Emergency* means any circumstance, situation, or occurrence which may produce or result in serious consequences and required immediate action. An emergency includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent substantial property damage or serious injury or loss of life.

(9) *Direct route* means the shortest path of travel through a public place to reach a final destination without any detour or stop along the way.

(10) *Downtown* means the geographic area described as follows:

Beginning at the point of intersection of the eastern right-of-way line of Orange Street and the southern right-of-way line of Louisiana Avenue;

thence southwest along said southern right-of-way line of Louisiana Avenue to the point of its intersection with the southern right-of-way line of Johnston Street; thence southwest along said southern right-of-way line of Johnston Street to the point of its intersection with the western right-of-way line of Garfield Street; thence southeast along said western right-of-way line of Garfield Street to the point of its intersection with the southern right-of-way of Gordon Street; thence southwest along said southern right-of-way line of Gordon Street to the point of its intersection with the eastern right-of-way line of West University Avenue; thence north along said eastern right-of-way line of West University Avenue to the point of its intersection with the northern right-of-way of Johnston Street; thence southwest along said northern right-of-way line of Johnston Street to the point of its intersection with the northerly right-of-way line of Brashear Street; thence northwest along said northerly right-of-way line of Brashear Street to the point of its intersection with the northern right-of-way line of St. Landry Street; thence southwest along said northern right-of-way line of St. Landry Street to the point of its intersection with the western property line of a tract of land owned by the city of Lafayette more fully described as recorded under Entry Number 79-014651 in the mortgage records of the parish of Lafayette; thence proceeding along said western property line to the point of its intersection with the southern right-of-way line of Azalea Street; thence southwest along said southern right-of-way line of Azalea Street to the point of its intersection with the western high bank of St. John Coulee; thence north along said western high bank of St. John Coulee to the point of its intersection with the northern right-of-way line of Azalea Street; thence southwest along said northern right-of-way line of Azalea Street to the point of its intersection with the western right-of-way line of Parkside drive; thence north along said western right-of-way line of Parkside Drive to the point of its intersection with the centerline of Iris Lane; thence northwest along said centerline of Iris Lane to the point of its intersection with the centerline of Souvenir Gate, thence southwest along said centerline of Souvenir Gate to the point of its intersection with the centerline of Jasmine Street; thence northwest along said centerline of Jasmine Street to the point of its intersection with the southern right-of-way of West Congress Street, thence east along said southern right-of-way line of West Congress Street to the point of its intersection with the western high bank of St. John Coulee; thence north along said western high bank of St. John Coulee to the point of its intersection with the southern right-of-way line of West Simcoe Street to the point of its intersection with the southern right-of-way line of East Simcoe Street, thence east along southern right-of-way line of East Simcoe Street to the point of intersection with the eastern right-of-way line of Orange Street; thence southeast along said eastern right-of-way line of Orange Street to the point of beginning.

(b) *Offenses.*

(1) A minor commits an offense if he remains Downtown in any public place or on the premises of any establishment during Downtown Curfew hours.

(2) A custodian of a minor commits an offense if he knowingly permits or by insufficient control allows a minor to remain Downtown in any public place or on the premises of any establishment during Downtown Curfew hours.

(c) *Defenses.* The following are defenses to violations charged under this section:

(1) This section shall not apply to minors who are:

a. Accompanied by the minor's custodian.

b. On an errand at the direction of the minor's custodian and while using a direct route.

c. In a motor vehicle involved in interstate travel.

d. Engaged in an employment activity pursuant to the minor's custodian's direction, or going to or returning home from such an employment activity and using a direct route.

e. Involved in an emergency.

f. On a sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor, absent a complaint communicated to a police officer by the next-door neighbor concerning the minor's presence.

g. Attending an official school, religious, or other recreation activity supervised by adults or sponsored by the City of Lafayette or another public body, a civic organization, or other similar entity that takes responsibility for the minor, or going to or returning home from such an activity by a direct route.

h. Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly.

(d) *Penalties.*

(1) Any minor who violates the provisions of this section, upon the first offense, will be given a warning, to include notification of the specific illegal conduct observed and of the consequences of subsequent violations. The minor's custodian will also be issued written notice of a first offense which will include a description of the illegal conduct and the consequences of subsequent violations.

(2) Any minor found to be in violation of the provision of this section, upon a second offense within a 24-month period, shall be adjudicated a delinquent child, as defined by Ch. C. art. 804(4), shall be found guilty of a misdemeanor-grade delinquent act, as defined by Ch. C art. 804(8), and shall be punished by one or more of the following:

a. An appropriate amount of community service not to exceed 30 hours;

b. A transfer of custody of the minor from the minor's custodian to the department of youth services and corrections for a period not to exceed 90 days.

(3) Any custodian of a minor found to be in violation of this section, upon a second offense within a 24-month period, shall be found guilty of a misdemeanor which shall be punishable by one or more of the following:

a. A fine of not less than $50.00 and not more than $500.00.

b. An appropriate amount of community service not to exceed 30 hours.

(4) Notwithstanding the provision of subsection (d)(3) of this section, if a court of competent jurisdiction finds that the custodian of a juvenile has exercised reasonable diligence in order to prevent a violation under this section, the court shall not impose any penalty upon the custodian but may impose any penalty which is appropriate under this section upon the juvenile found in violation thereof.

SECTION 3: All ordinances and resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 4: This ordinance shall become effective upon signature of the Lafayette Mayor-President, the elapse of ten (10) days after receipt by the Lafayette Mayor-President without signature or veto, or upon an override of a veto, whichever occurs first.

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Lafayette
CONSOLIDATED GOVERNMENT

RECEIVED
OCT 2 0 2020
Lafayette Consolidated Government
Chief Administrative Officer

Internal Memorandum

Legal Department (1400)

TO: Cydra Wingerter **DATE:** October 20, 2020

FROM: Greg Logan

SUBJECT: **City Ordinance Adding Section 6-89.1 to the Code of Ordinances**

I submit the attached proposed City Ordinance of the Lafayette City Council for consideration, which involves additions to the current restrictions set out in Section 6-89 of the Code of Ordinances.

I respectfully request that the attached City Ordinance be placed in line to be considered by the Lafayette City Council at their next meeting on Tuesday, October 6, 2020.

If I can be of any additional information or assist further with this matter, please do not hesitate to contact me.

Gregory J. Logan
City-Parish Attorney

Attachments

C: Paul Escott
Josh Guillory

t: 337.406.9685 / glogan@lafayettela.gov

LAFAYETTE CITY COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

1) JUSTIFICATION FOR REQUEST: An Ordinance of the Lafayette City Council adding Section 6-89.1 to the Code of Ordinances

2) ACTION REQUESTED: Adoption of City Ordinance

3) COUNCIL DISTRICT(S) (CIP PROGRAM/PROJECTS ONLY): N/A

4) REQUESTED ACTION OF COUNCIL:

A) INTRODUCTION: ~~November 4, 2020~~ January 19, 2021

B) FINAL ADOPTION: ~~November 18, 2020~~ February 9, 2021

5) DOCUMENTATION INCLUDED WITH THIS REQUEST:

A) Internal Memorandum (1 Page)

B) Ordinance (4 Pages)

6) FISCAL IMPACT:

_____ Fiscal Impact (Explain)

X No Fiscal Impact

RECOMMENDED BY:

GREGORY J. LOGAN
CITY-PARISH ATTORNEY

APPROVED FOR AGENDA:

CYDRA WINGERTER
CHIEF ADMINISTRATIVE OFFICER