

CITY ORDINANCE NO. CO-047-2022

AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL AMENDING LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT CODE OF ORDINANCES BY REPEALING SUBSECTION (a)(7) OF SECTION 62-32 "CRIMINAL MISCHIEF" OF CHAPTER 62, ARTICLE I, DIVISION 2, AND BY REPEALING, IN ITS ENTIRETY, SECTION 62-71 "BEGGING AND SOLICITING MONEY" OF CHAPTER 62, ARTICLE I, DIVISION 2

BE IT ORDAINED by the Lafayette City Council, that:

WHEREAS, the Lafayette City Council has determined that it is in the interest of public safety and welfare to amend Section 62-32 "Criminal Mischief", of Chapter 62 "Offenses and Miscellaneous Provisions," Article I, "Crimes and Offenses in the City of Lafayette, Division 2 "Specific Crimes and Offenses in the City of Lafayette" of the Lafayette City-Parish Consolidated Government Code of Ordinances by repealing subsection (a)(7) therein; and

WHEREAS, the Lafayette City Council has further determined that it is in the interest of public safety and welfare to repeal, in its entirety, Section 62-71 "Begging and Soliciting Money," of Chapter 62 "Offenses and Miscellaneous Provisions," Article I, "Crimes and Offenses in the City of Lafayette, Division 2 "Specific Crimes and Offenses in the City of Lafayette" of the Lafayette City-Parish Consolidated Government Code of Ordinances.

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

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

SECTION 2: Chapter 62, Article I, Division 2, Section 62-32 of the LCG Code of Ordinances is hereby amended and reenacted in the following particulars, with words in ~~striketrough~~ being deletions from existing law, and words **underscored and boldfaced** being additions:

Sec. 62-32. – 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.
 - (2) Giving of any false alarm of fire.
 - (3) Driving of any tack, nail, spike or metal over 1½ 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.
 - (4) The felling, topping or pruning of trees or shrubs within the right-of-way of a street without prior written approval of the consolidated government, provided prior written approval is not required for agents or employees of public utility companies in situations of emergency where the person or property of others is endangered.

- (5) 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.
 - (6) 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.
 - (7) ~~Repealed~~ ~~Acting in such a manner as to annoy, disturb, interfere with, obstruct, or be offensive to others.~~
 - (78) Congregating with others on a public street and refusing to move on when ordered by the police.
 - (89) Interfering with any person in any place by jostling against such person or unnecessarily crowding him or by placing a hand in the proximity of such person's pocketbook or handbag.
 - (94) 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.
- (b) *Prohibited.* Whoever commits criminal mischief shall be guilty of a misdemeanor.

SECTION 3: Chapter 62, Article I, Division 2, Section 62-71 of the Lafayette City-Parish Consolidated Government Code of Ordinances, entitled "**Begging and Soliciting Money**", is hereby repealed in its entirety, and Section 62-71 of the LCG Code of Ordinances shall be designated as "**Reserved**".

SECTION 4: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 5: This Ordinance shall become effective upon signature of the Lafayette Mayor-Parish President, the elapse of ten (10) days after receipt by the Lafayette Mayor-Parish President without signature or veto, or upon override of a veto, whichever occurs first.

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RECEIVED

APR 05 2022

Lafayette Consolidated Government
Chief Administrative Officer

Internal Memorandum

Legal Department


TO: Cydra Wingerter, Chief Administrative Officer
CC: Gregory J. Logan, City-Parish Attorney
FROM: Paul D. Escott, Assistant City-Parish Attorney
SUBJECT: City Council Agenda Item – City Ordinance
April 19, 2022 Meetings – Introduction
May 3, 2022 Meetings – Final Adoption
DATE: March 5, 2022

Cydra,

On behalf of Greg Logan, I submit the following, to wit:

- A. AN ORDINANCE OF THE LAFAYETTE CITY COUNCIL AMENDING LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT CODE OF ORDINANCES BY REPEALING SUBSECTION (a)(7) OF SECTION 62-32 "CRIMINAL MISCHIEF" OF CHAPTER 62, ARTICLE I, DIVISION 2, AND BY REPEALING, IN ITS ENTIRETY, SECTION 62-71 "BEGGING AND SOLICITING MONEY" OF CHAPTER 62, ARTICLE I, DIVISION 2
- B. City Ordinance – Agenda Item Submittal Form

I respectfully request that this City Ordinance be placed on the City Council's April 19, 2022 Meeting Agenda for consideration, for introduction, with consideration for final adoption at the City Council's May 3, 2022 meeting.



Paul D. Escott
Assistant City-Parish Attorney

LAFAYETTE CITY COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

1) JUSTIFICATION FOR REQUEST: Amendments to LCG Code of Ordinances, Sections 62-32 "Criminal Mischief" and Repeal of 62-71 "Begging and Soliciting Money"

2) ACTION REQUESTED: Adoption of ordinance

3) COUNCIL DISTRICT(S) (if applicable): _____

4) REQUESTED ACTION OF COUNCIL:

A) INTRODUCTION: April 19, 2022

B) FINAL ADOPTION: May 3, 2022

5) DOCUMENTATION INCLUDED WITH THIS REQUEST:

A) Cover Memo (1 page)

B) City Ordinance (2 pages)

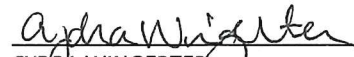
C) Submittal Form (1 page)

6) FISCAL IMPACT:

Fiscal Impact

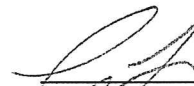
No Fiscal Impact

APPROVED FOR AGENDA:



CYDRA WINGERTER
LCG Chief Administrative Officer

SUBMITTED BY:



PAUL D. ESCOTT
Assistant City-Parish Attorney

On behalf of:

GREGORY J. LOGAN
City-Parish Attorney