

a court from sentencing a defendant to home incarceration, if otherwise allowed under the provisions of Article 894.2 of the Code of Criminal Procedure. Imposition or execution of the remainder of the sentence shall not be suspended unless:

a. The offender is placed on probation with a minimum condition that he serve fifteen (15) days in jail and participate in a court-approved substance abuse program and participate in a court-approved driver improvement program; or

b. The offender is placed on probation with a minimum condition that he perform thirty (30), eight-hour days of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or collection program, and participate in a court-approved substance abuse program and participate in a court-approved driver improvement program. An offender who participates in a litter abatement or collection program pursuant to this subparagraph, shall have no cause of action for damages against the entity conducting the program or supervising his participation therein, including a municipality, parish, sheriff, or other entity, nor against any official, employee, or agent of such entity, for any injury or loss in a direct result of lack of supervision or act omission of the supervisor, unless the injury or loss is a direct result of the lack of supervision or act or omission of the supervisor, unless the injury or loss was caused the intentional or grossly negligent act or omission of the entity or its official, employee, or agent.

(2) If the offender had a blood alcohol concentration of 0.15 percent or more by weight based on grams of alcohol per one hundred (100) cubic centimeters of blood, at least ninety-six (96) hours of the sentence imposed pursuant to paragraph (c)(1) of this section shall be served without the benefit of parole, probation, or suspension of sentence. Imposition or execution of the remainder of the sentence shall not be suspended unless the offender complies with paragraph (c)(1)a. or b. of this section.

(d) Any offense under this section committed more than ten (10) years prior to the commission of the crime for which the defendant is being tried shall not be considered in the assessment of penalties hereunder.

(e) Court-approved substance abuse programs provided for herein shall include a screening procedure to determine the portions of the program which may be applicable and appropriate for individual offenders.

(f) This subsection shall be cited as the "Child Endangerment Law." When the prosecutor proves in addition to the elements of the crime as set forth in subsection (a) of this section that a minor child twelve (12) years of age or younger was a passenger in the motor vehicle, aircraft, watercraft, vessel, or their means of motorized conveyance at the time of the commission of the offense, of the sentence imposed by the court, the execution of the minimum mandatory sentence provided by subsection (b) or (c) of this section, as appropriate, shall not be suspended.

(g) For the purposes of determining whether a defendant has a prior conviction for violation of this section, a conviction under either La. R.S. 14:32.1, Vehicular homicide, or section 13:39.1 (of this code), Vehicular negligent injuring, or a conviction under the laws of the any state or an ordinance of any municipality, town, or similar political subdivision or another state, which prohibits the operation of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance while intoxicated, while impaired, or while under the influence of alcohol, drugs, or any controlled dangerous substance shall constitute a prior conviction. This determination shall be made by the court as a matter of law.

Sec. 74. Underage Driving Under the Influence.

(a) The crime of underage operating a vehicle while intoxicated is the operating of any motor vehicle, aircraft, watercraft, vessel, or other means of conveyance when the operator's blood alcohol concentration is 0.02 percent or more by weight if the operator is under the age of twenty-one based on grams of alcohol per one hundred cubic centimeters of blood.

(b) Any underage person whose blood alcohol concentration is found to be in violation of section 73 shall be charged under its provisions rather than under this section.

(c) On a first conviction, the offender shall be fined not less than one hundred nor more than two hundred fifty dollars (\$250.00) and participate in a court-approved substance abuse and driver improvement program.

(d) On a second or subsequent conviction, regardless of whether the second offense occurred before or after the first conviction, the offender shall be fined not less than one hundred fifty dollars (\$150.00) nor more than five hundred dollars (\$500.00) and imprisoned for not less than ten (10) days nor more than three (3) months. Imposition or execution of sentence shall not be suspended unless:

(1) The offender is placed on probation with a minimum condition that he serve forty-eight (48) hours in jail and participate in a court-approved substance abuse and driver improvement program; or

(2) The offender is placed on probation with a minimum condition that he perform ten (10) eight-hour days of court-approved community service activities, at least half of which shall consist of participation in a litter abatement or collection program and participate in a court-approved substance and driver improvement program.

(e) Court programs regarding substance abuse provided for in subsections C. and D. shall include a screening procedure to determine the portions of the program which may be applicable and appropriate for individual offenders.

(f) An offender ordered to participate in a substance abuse program shall pay the cost incurred in participating in the program. Failure to make such payment shall subject the offender to revocation of probation, unless the court determines that the offender is unable to pay.

Sec. 75. Reckless Driving

(a) Reckless driving is the operation of any motor vehicle upon the streets of the Town, or upon any private road or driveway, as defined herein, in a criminally negligent or reckless manner.

(b) Any person who operates a vehicle at a speed or in a manner so as to endanger the life or property of any other person shall be guilty of reckless driving.

(c) Failure to maintain control, as defined in this chapter, shall be a responsive verdict to charges under this section.

Sec. 76. Careless Driving/ Operation

Any person who drives any motor vehicle in a careless and imprudent manner, without due regard for the

width, grade, curves, corner, traffic and use of streets and highways and all other attendant circumstances is guilty of careless driving.

Sec. 77. Failure to Maintain Control

It shall be unlawful for the driver of any vehicle to negligently fail to maintain reasonable and proper control of the vehicle while operating the vehicle on the streets of the Town, or upon any private road, parking lot or driveway.

Sec. 78. Fleeing or Attempting to Elude a Police Officer

Any driver of a motor vehicle who willfully fails or refuses to bring his vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty of a misdemeanor. The signal given by the police officer may be by hand, voice, emergency light or siren. The officer giving such signal shall be in uniform prominently displaying his badge of office, or his vehicle shall be appropriately marked showing it to be an official police vehicle.

PART XI. MISCELLANEOUS PROVISIONS

Sec. 79. Unattended motor vehicle.

No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition, removing the key from the ignition, effectively setting the brake thereon and when standing upon any grade, turning the front wheels to the curb or side of the highway.

Sec. 80. Limitations on Backing

(a) The driver of a vehicle shall not back the same unless such movement can be made with safety and without interference with other traffic.

(b) The driver of a vehicle shall not back the same upon any shoulder or roadway of any controlled-access highway, except as a result of an emergency caused by an accident or breakdown of a motor vehicle.

Sec. 81. Driving Upon Sidewalk

No person shall drive any vehicle upon a sidewalk or sidewalk area except upon a permanent or duly authorized temporary driveway.

Sec. 82. Driving Over Private Property

No person shall drive any vehicle through or over private property, including, but not limited to, any corner parking or driveway facility from a highway, for the purpose of reentering another highway.

Sec. 83. Obstruction to Driver's View or Driving Mechanism

(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such a

number of persons, exceeding three (3), as to obstruct the view of the driver to the front or side of the vehicle, or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle.

Sec. 84. Television in Motor Vehicles

(a) Except as provided in subsection (b) of this section, no person shall drive a motor vehicle which is equipped with a television receiver, screen, or other means of visually receiving a television broadcast or a video signal that produces entertainment or business applications where the moving images are visible to the driver while the motor vehicle is in motion.

(b) The provisions of Paragraph (a) of this Subsection shall not apply to the following equipment when installed in a motor vehicle:

- (1) A vehicle information display.
- (2) A navigation or global positioning display.
- (3) A mapping display.
- (4) A visual display used to monitor the area immediately around a motor vehicle for the purpose of maneuvering the vehicle.

(5) A television receiver, video monitor, television or video screen that produces entertainment or business applications, or any other similar means of visually displaying a television broadcast or video signal, if that equipment has a device that, when the motor vehicle is being driven, disables the equipment for all uses except as a visual display as described in Subparagraphs (a) through (d) of this Paragraph..

(c) The provisions of Paragraph (a) of this Subsection shall not apply to a self-contained motor home which is in excess of twenty-one feet in length.

(d) Law enforcement officers of the state or any political subdivision thereof shall be authorized to operate video recording equipment and monitors in their law enforcement vehicles while in the performance of their duties. However, this subsection shall not be construed to allow law enforcement officers to record vehicles in violation of traffic safety laws with citations for such violations to be mailed to the alleged violator at a later date.

Sec. 84.1. Window Tint

(a) Except as provided by La. R.S. 32:361.1, no person may operate a motor vehicle with any object or material placed on or affixed to the front windshield or to front side windows of the vehicle so as to obstruct or reduce the driver's clear view through the front windshield or front side windows, nor place on or affix to the front windshield or the front side windows of a motor vehicle, any transparent material if the material alters the color or reduces the light transmission of the windshield or front side windows.

(b) Except as provided in La. R.S. 32:361.1, of this Section, anyone who operates a motor vehicle registered in this state in violation of the provisions of this Section shall be fined not more than one hundred seventy-five dollars for a first offense, not more than two hundred fifty dollars for a second offense, and not more than three hundred fifty dollars for a third or subsequent offense.

Sec. 85. Opening and Closing Vehicle Doors

No person shall open the door of a motor vehicle on the side available to moving traffic unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Sec. 86. Following Fire Apparatus Prohibited

The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where the fire apparatus has stopped in answer to a fire alarm.

Sec. 87. Crossing Fire Hose

No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private road or driveway to be used at any fire or alarm of fire, without the consent of the fire department official in command.

Sec. 88. Stop When Traffic Obstructed

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

Sec. 89. Wearing of Headphones While Operating a Motor Vehicle.

(a) The wearing of headphones by any operator of a motor vehicle is hereby prohibited. For purposes of this section, "headphones" shall mean a headset, headphone, or listening device other than a hearing aid or instrument for the improvement of defective human hearing which covers both ears or which is inserted into both ears. Any headset, headphone, or other listening device which covers or which is inserted into only one (1) ear may be used at any time.

(b) The provisions of this section shall not apply to:

(1) Any law enforcement officer or emergency vehicle operator equipped with any communication device necessary in performing his assigned duties.

(2) Any person operating a motorcycle who is using a headset that is installed in a helmet and worn

so as to prevent the speakers from making direct contact with the user's ears so that the user can hear surrounding sounds.

(c) No vehicle, contents of a vehicle, or driver in a vehicle shall be inspected, stopped, detained, or searched solely because of a violation of or to determine compliance with this section.

(d) The operation of a vehicle in violation of the provisions of this section shall not be considered a moving violation as provided for under the provisions of Title 32 of the Louisiana Revised Statutes of 1950.

(e) Whoever violates the provisions of this section shall be fined twenty-five dollars (\$25.00) in addition to court costs.

Sec. 90. Excessive, Unnecessary Use of Horn.

The driver of a motor vehicle shall, when reasonably necessary to ensure safe operation, give audible warning with his horn, but shall not otherwise use such horn when upon a street of this Town.

Sec. 91. Signal Devices Similar to Police or Fire Department Prohibited.

No motor vehicle, except a motor vehicle of the police or fire department, or of a firefighter of the Town, shall be equipped with any signal device or siren similar to that used by the police or fire department

Sec. 92. Hitching to Moving Vehicles Prohibited.

No person while riding a tricycle, motorcycle or skateboard shall take hold of any other vehicle for the purpose of holding on to and being carried along by such vehicle.

Sec. 93. Clinging to Moving Vehicles.

No person riding upon any coaster, sled, roller skates or any toy vehicle shall attach the same or himself to any moving vehicle upon any roadway.

Sec. 94. Boarding or Alighting From Moving Vehicles.

No person shall board or alight from any vehicle while such vehicle is in motion.

Sec. 95. Riding on Portion of Vehicle Not Intended for Passengers.

No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This section shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

Sec. 96. Obstruction of Traffic Prohibited.

It shall be unlawful for any person to impede, obstruct or block the free movement of traffic upon the streets of the Town with any vehicle or contrivance of any nature.

Sec. 97. Obstruction of Sidewalks

It shall be unlawful for any owner or driver of a vehicle to obstruct any sidewalk or safety zone in entering any filling station or private property by stopping on the sidewalk or safety zone or allowing part of the vehicle or load it is carrying to project into the sidewalk or safety zone or to drive on sidewalks except at crossings or entrances to premises.

Sec. 98. Certain Vehicles to be Covered; Littering Prohibited.

(a) Driver liability; citations authorized. It shall be unlawful for any person, whether in person or by his agent, employee or servant, to use any vehicle to haul any kind of dirt, rubbish, waste articles or things of substance, whether liquid or solid, unless such vehicle is covered or the materials being hauled are confined in such a manner as to prevent all or any part of its load from spilling or dropping, at all times while such vehicle is in motion, on any street or alley in the Town. All vehicles and/or equipment used for the purpose of hauling materials shall be tarped, netted, tied, covered or confined in such a manner so as to prevent the contents thereof from spilling, blowing or otherwise being deposited on any street or alley in the Town. Provided, however, that the requirements in this section for covering such vehicles shall not apply to vehicles carrying brush cuttings, tree trimmings, branches, logs and similar material. If such matter is securely lashed or fastened to such vehicle to prevent spilling or dropping as aforesaid. Improperly covered vehicles traveling upon any road, street or other public thoroughfare within the corporate limits of the Town may be cited for such violation by the police department.

(b) Litter thrown from vehicles. No person, whether the driver or a passenger in a vehicle, shall throw or deposit litter upon any street or other public place, or upon private property. The driver of the vehicle shall be liable for litter thrown from the vehicle, and shall be cited for such litter, whether or not the litter is deposited by the driver or passengers of the vehicle.

(c) The first violation of the provisions of this subsection shall be punished by a fine of \$250.00. A second violation shall be punished by a fine of \$300, and any subsequent violation(s) shall be punished by a fine of \$500.00.

Sec. 90. Use of Flashing Red and Blue Lights Restricted

No vehicle, except authorized emergency vehicles, shall display a flashing or blinking red or blue light to the front of the vehicle, while the vehicle is in motion.

Sec. 100. Improper Parking

(a) No person, owner of any motor vehicle or watercraft or person having a motor vehicle or watercraft registered in his or her name shall personally or allow any other person to park or stop such motor vehicle or watercraft at any of the following places except when necessary to avoid conflict with other traffic or in compliance with a law enforcement officer's direction or in compliance with a parking control device:

(1) In a roadway;

- (2) On a sidewalk;
 - (3) Any marked no parking zone; or
 - (4) Parked on the wrong side of the roadway.
- (b) The provisions of this section shall not apply to emergency vehicles or vehicles used in the maintenance of the property affected.
- (c) Whoever violates the provisions of this section shall be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) or imprisoned for not more than six (6) months or both.

Sec. 101. Fire Lanes and Signage.

It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in his name or operated by him to be parked in a truck unloading zone designated and properly posted as same, except for trucks that are unloading; or in a fire lane designated by the Chief of the Fire Department or State Fire Marshal; or within 15 feet to a fire hydrant; or within 20 feet of an intersection or block a driveway other than his own.

Sec. 102. Parking Spaces for Certain Disabled Persons.

- (a) Each state agency and political subdivision having jurisdiction over street parking or a government facility and each owner or lessee of a public facility shall, in accordance with applicable zoning and building codes, provide and maintain a minimum number of specially designed and marked motor vehicle parking spaces for the exclusive use of persons whose vehicles are identified by license plates, hang tags, or special parking cards for the mobility impaired issued pursuant to La. R.S. 47:463.4 or La. R.S. 47:463.4.1. The mobility impaired parking spaces shall adhere to the ADAAG specifications and shall include mobility-impaired loading and unloading areas, access aisles, access ramps, and curb cuts. The minimum number of such parking spaces shall be as established by ADAAG. "Public facility," as the term is used in this section, shall be as defined in R.S. 40:1732, and shall include private property which is open to the public and to which the public is invited for commercial or governmental purposes.
- (b) The fire marshal may, in cases of extreme hardship, waive any provisions of this section after consultation with the state office of rehabilitative services.
- (c) Any owner or lessee of a public facility who fails to provide and maintain spaces reserved and designated for the exclusive use of vehicles bearing a special license plate or parking card is issued to a mobility-impaired driver free of obstructions shall be fined not more than \$500.00.
- (d) No person shall park any vehicle in a mobility-impaired parking space unless such person has a license plate or hang tag for the mobility-impaired issued pursuant to La. R.S. 47:463.4 or a properly displayed special parking card issued pursuant to La. R.S. 47:463.4.1.

(e) No person shall cause, allow, permit or suffer any vehicle registered in his name or operated by him to be parked so that it blocks an access or curb ramp or other architectural improvement designed to aid the disabled.

(f) (1) The law enforcement officer shall be authorized to issue a citation or take whatever law enforcement action is deemed necessary or both. Furthermore, when an individual found to be in violation of these provisions refuses a request by a law enforcement officer to move the vehicle found in violation, the officer shall be authorized to have such vehicle towed.

(2) The citation shall contain information concerning the nature, date, time, and location of the alleged violation, the state vehicle plate number, and the make of vehicle. In those cases where a license plate is not visible or legible, the vehicle identification number shall be used in lieu of the state vehicle plate number. The citation shall also contain information advising the person charged of the manner and the time in which he may contest the violation charged in the citation. The citation shall also provide that a failure to timely answer or appear before a court of competent jurisdiction shall be considered a prima facie admission of the violation set forth in the citation, in which the court may assess the appropriate fine or fines and all penalties incidental thereto.

(3) The citation issued pursuant to the provisions of this subsection shall be personally served upon the operator of the vehicle by affixing the parking citation to the vehicle in a conspicuous place thereon. The original parking citation shall bear the name or initials and identification number of the issuing officer who shall affirm the truth of the facts set forth therein. An operator of a vehicle who is not the owner, but who uses or operates the vehicle with permission of the owner, expressed or implied, shall be considered the agent of the owner to receive the citation required to be served upon the operator or registered owner of a vehicle in accordance with the provisions of this subsection. When a citation is issued for an alleged violation of the laws governing parking in a mobility-impaired parking space, loading and unloading areas, access aisles, access ramps, and curb cuts, there shall be a rebuttable presumption that a person in whose name the vehicle is registered was the operator of the vehicle when the alleged violation was committed.

(4) In the event that the registered owner or operator of a vehicle drives the vehicle away from or in any manner leaves the site of the violation while the issuing officer is preparing the citation or refuses service of the parking citation and drives away from or in any manner leaves the site of the violation, this fact shall be duly noted on the original and all copies of the parking citation. This original and all copies of a parking citation shall constitute a business record of the law enforcement agency issuing the citation and shall constitute prima facie evidence that the citation was issued and that an attempt at service was made in accordance with the provisions of this subsection.

(g) The first violation of the provisions of this subsection shall be punished by a fine of \$275.00. A subsequent violation shall be punished by a fine of \$500.00.

(h) If the violator is other than an individual, a fine of \$500.00 shall be imposed.

(i) In addition to such fine, the violator may also be required to pay the towing fee and any storage costs which are incurred.

(j) The Town shall recognize parking cards or other removable windshield placards and special license plates which have been issued by authorities of other state and countries for the purpose of identifying vehicles permitted to utilize parking spaces reserved for the mobility-impaired.

(k) No fine issued pursuant to this section shall be reduced or suspended.

Sec. 103. Restrictions Upon Use of Residential Streets by Certain Vehicles

(a) It shall be unlawful for any person, to operate, drive or pull a semi-tractor, semi-trailer, a vehicle with three or more axles, or a commercial vehicle with a gross vehicle weight rating (GVWR) of fifteen thousand (15,000) pounds or more in any residentially zoned district within the corporate limits of the Town of Dubach when a sign is erected providing notice of the prohibition of said vehicles.

(b) For the purposes of this section,

1. Semi-tractor means a motor vehicle designed and used primarily for drawing, towing, or pulling a semi-trailer. Semi-trailer means a vehicle without motive power and so designed in conjunction and used with a motor vehicle that some part of its own weight and that of its own load rests or is carried by another vehicle, and having one or more load-carrying axles

2. Commercial vehicle shall mean every vehicle designed, maintained or used primarily for the transportation of property and used in commercial activity

(c) The provision of this section shall not apply to:

1. Vehicles making deliveries to or picking up items from a residence located in the residential district.
2. Emergency vehicles located in a residential district while on call for emergency services.
3. Motor homes or recreational vehicles.

(d) The first violation of the provision of this section shall be punished by a fine of \$250.00 plus court costs. Any subsequent offense which occurs within three years of the first offense shall be punished by a fine of \$500.00 plus court costs.

(e) The Mayor shall maintain a list of the residential streets which semi-tractor, semi-trailer, a vehicle with three or more axles, or a commercial vehicle with a gross vehicle weight rating (GVWR) of fifteen thousand (15,000) pounds or more are prohibited driving on. The Dubach Public Works Department or other employees designated by the Mayor shall place signs notifying drivers of this prohibition.

Sec. 104. Other laws of the road

Any violations of provisions and regulations provided by the statutes of the state, and particularly any

violation of the provisions of R.S. Title 32, known as the Highway Regulatory Act, shall likewise be deemed in violation of the traffic regulations of the Town.

BE IT FURTHER ORDAINED that the catchline of sections and parenthetical reference to state law as the source of the provisions in this Code are intended to indicate the contents of the section and shall not be deemed or taken to be title of the section nor as any part of the section; nor, unless expressly so provided, shall they be so deemed when any of the sections, including the catchline and parenthetical references, are amended or repealed.

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed. The repeal of any provision of any ordinance by the enactment of this Code shall not affect any offense committed or act done prior to the effective date of such repeal, or any penalty or forfeiture incurred for an offense committed under the provision repealed or any prosecution or suit pending at the time of such repeal for an offense committed under the provisions repealed.

This Code is being adopted pursuant to the provisions of R.S. 33:1361, et. Seq. and it is the desire and intent to adopt and enact this Code under any other existing authority.

The title of this Ordinance shall be published once a week for three consecutive weeks in the official journal of the municipality after the Ordinance is adopted.

This Ordinance shall become effective ten days after the publication of the title for the third time in the official journal of the municipality.

BE IT FURTHER ORDAINED that if any portion of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared to be severable.

This Ordinance was duly introduced, the title of this ordinance was duly published in accordance with law, and then duly read and adopted on the ___ day of _____, 2023 by the following votes:

___ YEAS ___ NAYS ___ ABSENT ___ ABSTAIN.

This Ordinance was adopted on the ___ day of _____, 2023 and presented to the Mayor for signature on the ___ day of _____, 2023 (which is less than 3 days from the date the ordinance was adopted).

TOWN CLERK

Approved by the Mayor on this ___ day of _____, 2023.

MAYOR