

The following ordinance having been introduced at a duly convened meeting on June 2, 2015, and notice of its introduction having been published in the official journal and a public hearing having been held in connection therewith on this date, was offered for final adoption by Brady Broussard, Jr. and seconded by Francis Plaisance :

ORDINANCE

15-06

WHEREAS, the Charter of the City of Abbeville grants corporate powers to the governing authority thereof, which include, but are not limited to the right to acquire real estate to be used for a public purpose and to make regulations for the preservation of good order and preserve the peace within the city;

WHEREAS, the Constitution of the State of Louisiana provides, in Article 1 Section 11, that "[t]he right of each citizen to keep and bear arms is fundamental and shall not be infringed. Any restriction on this right shall be subject to strict scrutiny." However, the right is not absolute. The constitution does not prohibit the legislature from enacting laws which do restrict one's right to bear arms;¹

WHEREAS, the legislature created a "firearm-free zone"² which includes any school campus, and the area extending one thousand feet from the campus. The term "school" is defined to mean "any public or private elementary, secondary, high school, or vocational technical school, college, or university. . .";³

WHEREAS, the Vermilion Parish School Board operates a system of elementary, middle, and high schools within the corporate limits of this City. Various religious groups operate parochial schools in the City. In addition thereto, the State of Louisiana operates a vocational-technical school in the City;

WHEREAS, the local governing authority of the City, has the obligation to publish a map which clearly indicates the boundaries of each of the firearm-free zones.⁴ To that end Sellers & Associates, Inc. has been duly authorized to prepare such a map to establish the firearm-free zones and to identify all City owned real estate located therein;

WHEREAS, the map has been presented to the City Council, and based upon an examination thereof, the Council finds that A. A. Comeaux Park, Parker Hebert Park, and Motty Park are located within firearm-free zones and thus subject to the state's restriction of weapons therein;

WHEREAS, the City Council does hereby make a finding of fact that it is in the best interest of the citizens of this City and its visitors, all of whom have access to the above referred to parks for athletic, recreational, and social events, functions, or usage, to designate said parks as included within firearm-free zones;

¹ State in Interest of J.M., Sup.2014, 144 So.3d 853, 2013-1717, 2013-1772 (La. 1/28/14) .

² LSA R.S. 14:95.6(A)

³ LSA R.S. 14:95.6(C)(1)

⁴ LSA R.S. 14:95.6(D)

WHEREAS, the map as presented to the City Council, further reveals that City owned property, including, but not limited to, the Gertrude Electrical Substation; Pete Noel Electrical Substation; and the city's drainage retention pond are located within, or partially within the firearm-free zones, and thus subject to the state's restriction of weapons therein;

WHEREAS, the City Council does hereby make a finding of fact that it is in the best interest of the citizens of this City to include all such City owned property within firearm-free zones;

BE IT ORDAINED by the City Council of the City of Abbeville (the "Governing Authority"), acting as the governing authority of the City of Abbeville, State of Louisiana, that it does, by these presence, enact Chapter 9, Article V, Sections 9-60 through 9-62, inclusive:

Chapter 9 – Health

Article V – Firearm-free Zone

Sec. 9-60 – Creation of a "Firearm-free Zone;" exceptions; signage; penalty for removing signs.

- A. A "firearm-free zone" is an area within one thousand feet of any school campus.
- B. The provisions of this Section shall not apply to:
 - (1) A federal, state, or local law enforcement building.
 - (2) A military base.
 - (3) A commercial establishment which is permitted by law to have firearms or armed security.
 - (4) Private premises where a firearm is kept pursuant to law.
 - (5) Any constitutionally protected activity within the firearm-free zone, such as a firearm contained entirely within a motor vehicle.
- C. For purposes of this Section:
 - (1) "School" means any public or private elementary, secondary, high school, or vocational-technical school, college, or university in the City.
 - (2) "School campus" means all facilities and property within the boundary of the school property.

- D. The City Council does hereby adopt and published the Sellers & Association, Inc map dated May 7, 2015 which clearly indicates the boundaries of each firearm-free zone in accordance with the specifications in Subsection A. The firearm-free zone map is hereby made an official public document and ordered to be filed in the conveyance records of the Clerk of Court for Vermilion Parish.
- E. The state superintendent of education has developed a method by which to mark firearm-free zones, including the use of signs or other markings suitable to the situation. Signs or other markings shall be located in a visible manner on or near each City owned property located within the firearm-free zone.
- F. (1) It is unlawful for any person to cover, remove, deface, alter, or destroy any sign or other marking identifying a firearm-free zone as provided in this Section.
(2) Whoever violates the provisions of this Subsection shall be fined not more than one thousand dollars or imprisoned for not more than six months, or both.

Sec. 9-61 - Carrying a firearm or dangerous weapon firearm-free zone.

- A. Carrying a firearm, or dangerous weapon as defined in LSA R.S. 14:2, by anyone, not exempted in subsection (B) hereof, in a firearm-free zone is unlawful.
- B. The provisions of this Section shall not apply to:
 - (1) A federal law enforcement officer or a Louisiana-commissioned state or local Post Certified law enforcement officer who is authorized to carry a firearm.
 - (2) The possession of a firearm occurring entirely on private property, or entirely within a private residence.
 - (3) Any constitutionally protected activity which cannot be regulated by the state, such as a firearm contained entirely within a motor vehicle.
- C. Whoever commits the crime of carrying a firearm, or a dangerous weapon as defined in R.S. 14:2, in a firearm-free zone shall be subject to prosecution in state district court and the penalties provided for in LSA R.S. 14:95.2

Sec. 9-62 – Designation of City owned real estate within firearm-free zones.

- A. The following city parks are within a firearm-free zone:

- (1) A. A. Comeaux Park;
- (2) Parker Hebert Park;
- (3) Motty Park.

B. The following city owned real estate, other than city parks, is located within a firearm-free zone:

- (1) Gertrude Electrical Substation;
- (2) Pete Noel Electrical Substation;
- (3) City Drainage Retention Pond;
- (4) Such other city property as may be reflected by revised and subsequently adopted versions of the Sellers & Associates, Inc. map dated May 7, 2015

Effective Date. This Ordinance shall become effective thirty days after publication.

This ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: 3 (Plaisance, Broussard, Hardy)

NAYS: 0

ABSENT: 2 (Landry, Touchet)

And the ordinance was declared adopted on this, the 2nd day of June, 2015.


Kathleen Faulk, Clerk


Mark F. Piazza, Mayor

Presented to mayor for signature 6/3/15.
Received back signed 6/4/15

