

City of Lake Charles, LA

Ordinance: 18055

An ordinance amending Chapter 12.5 Nuisance Abatement of the City of Lake Charles Code of Ordinances to expand the definition of a “prohibited activity”, to enact legal presumptions of what would constitute a public nuisance, and to enact specific criminal and civil penalties for any violations under this Chapter.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LAKE CHARLES, LOUISIANA, in regular session convened, that:

SECTION 1: Section 12.5-1 of Chapter 12.5 of the Code of Ordinances for the City of Lake Charles, Louisiana, is hereby amended and reenacted to amend subsection (6) and adding subsections (10) and (11), to read as follows:

“Sec. 12.5-1. Definitions; right to enjoin certain nuisances; abatement.

(6) *Prohibited activity* means prostitution, as defined in this section, obscenity, as now or hereafter defined by the criminal laws of this state, or a pattern of drug-related criminal activity, disturbance-related activity, and/or high violent crime activity as defined in this section.

(10) *Disturbance-related activity* means the operation of any premises in such a manner which may cause or which causes any disturbances to residents of normal sensitivities living in any neighborhood adjacent to the premises including but not limited to violations of Sections 4-3 (Cruelty to animals), 4-22 (Nuisance Animal - Generally), 4-37 (Nuisance Animal-Domesticated Animals), 4-45 (Unlawful Kennel), 13-4 (Battery), 13-6 (Disorderly places), 13-7 (Disturbing the peace), 13-7.1 (Excessive Noise), 13-15 (Accumulation of junk items), 13-15.5 (Junk/inoperable vehicles), 13-28 (Illegal carrying of weapons), and 13-29 (Illegal discharge of a weapon) of the Code of Ordinances and/or LA R.S. 14:35 (Simple Battery), LA R.S. 14:90.2 (Gambling in public), LA R.S. 14:95 (E) (Illegal carrying of weapons to commit a violent crime or while in the illegal possession of a controlled dangerous substance), LA. R.S. 14:102.5 (Dogfighting, training or the possession of dogs for fighting).

(11) *High violent crime activity* means felony level criminal offenses occurring on the premises, resulting in the physical injury to any person and/or the commission or attempted commission of any crime of violence cited under LA R.S. 14:2 (B) of the Louisiana Criminal Code.”

SECTION 2: Chapter 12.5 of the Code of Ordinances for the City of Lake Charles, Louisiana, is hereby amended and reenacted by adding a new subsection, said new subsection to be numbered 12.5-2.1, to read as follows:

“Sec. 12.5-2.1. Presumption of public nuisance.

A public nuisance constitutes any of the following acts that have occurred on premises regardless of who has committed the acts:

a. Drug-related criminal activity: Five arrests and/or citations for any violation of any provisions of the Louisiana Uniform Controlled Dangerous Substance Act, LA R.S. 40:961, et seq. or of drug paraphernalia as defined by LA R.S. 40:1031, in 12 consecutive months made on the premises shall constitute presumptive evidence that the premises are a public nuisance.

b. High violent crime activity: Three felony crimes occurring in 12 consecutive months wherein physical injury or death to any person results on the premises and/or the commission or attempted commission of any crime of violence cited under LA R.S. 14:2(B) of the Louisiana Criminal Code, shall constitute presumptive evidence that the premises are a public nuisance.

c. Prostitution-related activity: Five arrests and/or citations for obscenity, prostitution, or solicitation for prostitution or any related provisions of the Louisiana Criminal Code, LA R.S. 14:82, et seq. or any corresponding city ordinance in 12 consecutive months shall constitute presumptive evidence that the premises are a public nuisance.

d. Disturbance-related activity: The maintenance of any premises in such a manner which may cause or which causes any disturbances to residents of normal sensitivities living in any neighborhood adjacent to the premises shall be a public nuisance. Police investigatory reports indicating that 12 disturbances did occur on or emanated from the premises and were quelled by police in 12 consecutive months shall constitute presumptive evidence that the premises are a public nuisance.”

SECTION 3: Chapter 12.5 of the Code of Ordinances for the City of Lake Charles, Louisiana, is hereby amended and reenacted by adding a new subsection, said new subsection to be numbered 12.5-8, to read as follows:

“Sec. 12.5-8. Penalties.

(a) Unless otherwise provided and in addition to any other remedy or penalties available under this Code any violation of this Chapter shall be subject to, upon conviction, by a fine not to exceed \$250.00 for a first offense and \$500.00 for a second or subsequent offense within a 12 consecutive month period. Each day’s violation of a provision herein shall constitute a separate offense. The imposition of a fine does not relieve a person of the duty to abate a violation.

(b) Unless otherwise provided and in addition to any other remedy or penalties available under this Code, any violation of this Chapter shall be subject to, upon a finding of liability by the City’s Administrative Adjudication Hearing Officer, a civil penalty not to exceed \$250.00 for a first offense and \$500.00 for a second or subsequent offense within a 12 consecutive month period. Each day’s violation of a provision herein shall constitute a separate offense. The imposition of a civil penalty does not relieve a person of the duty to abate a violation.”

SECTION 4: All other paragraphs, subsections, subparagraphs, clauses, phrases and words of this section, not specifically amended by this ordinance, are to remain the same.

I, Lynn F. Thibodeaux, Clerk of the Council, certify that this is a true copy of Ordinance number 18055 passed by the City Council on 1/17/2018.