

CHAPTER 13

Streets and Sidewalks

Article A.

Obstructing Streets and Sidewalks

Section 13.1	Assembly on streets or sidewalks
Section 13.2	Hardware, furniture, merchandise or other works prohibited
Section 13.3	Display of goods prohibited
Section 13.4	Placing or leaving objects on streets and sidewalks
Section 13.5	Construction near sidewalk
Section 13.6	Encroachments on streets
Section 13.7	Installation of drains, pipes, culverts or similar drainage devices

Article B.

Use and Cleanliness of Streets and Sidewalks

Section 13.11	Use of nails and tacks restricted
Section 13.12	Driving through street barricade
Section 13.13	Removing barricades forbidden
Section 13.14	Burning trash, etc.

Article C.

Excavations

Section 13.21	Permit required
Section 13.22	Application for permit
Section 13.23	Regulations authorized
Section 13.24	Assets or insurance required
Section 13.25	Backfilling and resurfacing
Section 13.26	Inspections required; fee

Article D.

Minors on Streets and in Public Places

Section 13.31	Short title
Section 13.32	Definitions
Section 13.33	Curfew for minors
Section 13.34	Exceptions
Section 13.35	Enforcement

ARTICLE A - Obstructing Streets and Sidewalks

Section 13.1 Assembly on streets or sidewalks

No persons shall assemble or remain assembled on the streets and sidewalks in sufficient numbers or in any manner as to constitute an obstruction to free passage thereon if requested to disperse by any officer of the municipality.

Section 13.2 Hardware, furniture, merchandise or other works prohibited

No person shall obstruct the streets, sidewalks or alleys of the municipality by placing thereon any hardware, furniture, merchandise, shelving, boxes or other works that will in any manner interfere with the use of the streets, sidewalks, or alleys by the public.

Section 13.3 Display of goods prohibited

No person shall place for display or sale any goods, wares, or merchandise of any kind upon any of the sidewalks of the municipality.

Section 13.4 Placing or leaving objects on streets and sidewalks

No brick, stone, or wood or other substances obstructing the free passage of persons and vehicles shall be placed or left to lie in any of the alleys, streets, or other routes of the municipality, nor shall any person place on or in any of the streets, sidewalks, or alleys any boxes, crates, casks, or barrels of any description or any other obstruction of any kind; provided that any person erecting a building may, with municipal permission, place building material for immediate use on the streets in such a way as not to interfere with the usual traffic.

Section 13.5 Construction near sidewalk

Before building or remodeling in close proximity to the sidewalk, a passageway shall be constructed so as to leave the sidewalk unobstructed and to provide safe and easy passage.

Section 13.6 Encroachments on streets

It shall be the duty of the chief of police to notify all persons about to erect any building, sidewalk, wall, or fence near the street or any public way or alley not to encroach upon the street or public alley; and, if in the opinion of the mayor any obstruction is being or has been constructed on any street or public alley, the mayor shall cause a survey of the line of the street or alley to be made by a competent surveyor. If the survey shall show that the street or alley is obstructed by any building, sidewalk, wall, or fence, the owner shall be required to pay the costs of the survey and shall be required to remove all obstructions at once. Every person who shall be found to have encroached on any street or public way or alley by any such building, sidewalk, wall, or fence and who refuses or neglects to remove the same upon notice from the chief of police within ten days from the date thereof shall, upon conviction, be guilty of a misdemeanor.

Section 13.7 Installation of drains, pipes, culverts or similar drainage devices

(a) It shall be unlawful for any person to lay, relay, install or reinstall any drain, pipe, culvert, surface drain or any other similar drainage device in any public ditch, drain, canal or other public drainage facility in the municipality, except in accordance with a permit issued by the municipality and at grades furnished and specified by the municipality and under the supervision of the designated representative of the municipality.

(b) The required pipe sizes and bottom grade lines shall be as set forth on the master plan entitled "Town of Brusly Drainage Improvements", dated April, 1982, prepared by the Office of Public Works of the Louisiana Department of Transportation and Development, designated as State Project No. 569-61-04. Any deviation of pipe sizes and/or bottom grade lines from the master plan requires a written request, approval by the designated representative of the Town of Brusly and the Mayor. (Ordinance No. 7 of 2001)

(c) The type of drainage device and the number of catch basins or inlets shall be determined by the municipality and set forth on the permit.

ARTICLE B - Use and Cleanliness of Streets and Sidewalks

Section 13.11 Use of nails and tacks restricted

It is hereby declared unlawful for any person to drive any nails or tacks into the telephone, telegraph or electric light poles or into any house or store situated on any sidewalk or street of the municipality, except with the prior permission of the owner.

Section 13.12 Driving through street barricade

No person shall drive any vehicle into or upon any alley or street that has been barricaded by an employee of the municipality.

Section 13.13 Removing barricades forbidden

No person, other than an employee of the municipality, shall remove any barricade which has been erected by the municipality.

Section 13.14 Burning trash, etc.

It shall be unlawful for any person to burn any trash, garbage or substance on or in any public street, alley, park or public place within the limits of the municipality.

ARTICLE C - Excavations

Section 13.21 Permit required

It shall be unlawful for any person, except as provided by public utility franchises or employees of the municipality in the course of their employment, to open, dig into, remove the surface from, or excavate any street, sidewalk, alley, public way or place without first obtaining a permit therefore from the street commissioner.

Section 13.22 Application for permit

The application for an excavation permit shall contain such information as the street commissioner deems necessary.

Section 13.23 Regulations authorized

In granting an excavation permit, the street commissioner may impose reasonable regulations, including but not limited to:

- (1) The manner or making the excavation;

- (2) The location of the excavation;
- (3) Protection of underground utility installations;
- (4) The duration of the excavation;
- (5) Required safety precautions, such as barricades, lights, warning devices, etc.;
- (6) The extent and size of the excavation; and
- (7) Steps to be taken to protect nearby property owners.

Section 13.24 Assets or insurance required

The application for an excavation permit shall submit satisfactory evidence that he has sufficient assets or insurance to indemnify the municipality for any costs, losses, or liabilities that it may incur by reason of the excavation and to satisfy any judgments or liabilities arising out of the excavation.

Section 13.25 Backfilling and resurfacing

It shall be the duty of the person making any excavation hereunder to fill the excavation and restore the surface to a condition at least equal to the surface prior to the excavation. If required, the person making an excavation shall furnish a bond, deposit, or other security sufficient to assure compliance with this section. Provided, however, if the person making the excavation fails or refuses to fill and resurface the same to the satisfaction of the street commissioner within fifteen days after being notified by the street commissioner to make said repairs, the municipality may elect to fill and resurface the excavation and charge the cost thereof against the person making the excavation.

Section 13.26 Inspections required; fee

All excavations except those backfilled and resurfaced by the municipality shall be inspected and approved by the municipality before and after backfilling and before and after resurfacing. A fee for making the inspections may be charged in an amount as fixed from time to time by the board. (Amended by Ordinance No. 4 of 1986.)

ARTICLE D. MINORS ON STREETS AND IN PUBLIC PLACES

Section 13.31 Short title

This article shall be known and may be cited as the "Ordinance Regulating the Presence and Conduct of Minors on Streets and in Public Places." (Ordinance No. 9 of 1996)

Section 13.32 Definitions

For the purposes of this article, the following terms shall have the following meanings:

- (1) "Guardian" means any person, other than a parent, who has legal guardianship or custody of a minor.

- (2) "Minor" means any person under the age of seventeen (17) whose disabilities of nonage have not been removed.
- (3) "Parent" means the natural or adoptive parent of a minor.
- (4) "Public place" means any street, alley, highway, sidewalk, park, playground, or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. Public place includes, but is not limited to, any store, shop, restaurant, tavern, bowling alley, cafe, theater, drugstore, poolroom, shopping center, and any other place devoted to the amusement or entertainment of the general public. It also includes the front or immediate area of the above. (Ordinance No. 9 of 1996)

Section 13.33 Curfew for minors

Except as provided in section 13.34, it shall be unlawful for any minor to be on or in a public place in the municipality between the hours of 11:00 p.m. and 6:00 p.m., Sunday through Thursday, except on a state holiday, and between the hours of 12:00 a.m. and 6:00 a.m., Friday through Saturday, and on any state holiday. (Ordinance No. 9 of 1996)

Section 13.34 Exceptions

It shall not be a violation of this article for a minor to be on or in a public place in the municipality during the prohibited hours provided in section 13.33:

- (1) When accompanied by the minor's parent or guardian.
- (2) When accompanied by an adult authorized by the minor's parent or guardian to take the parent's or guardian's place in accompanying the minor for a designated period of time and purpose within a specified area.
- (3) When returning home, by a direct route from and within thirty (30) minutes of the termination of a school activity, or any activity of a religious or voluntary association, place of employment, athletic event, or place of recreation or entertainment. (Ordinance No. 9 of 1996)

Section 13.35 Enforcement

(a) Any law enforcement officer, upon finding a minor on or in a public place during the prohibited hours, shall ascertain the name and address of the minor, warn the minor that he is in violation of the curfew, and direct the minor to proceed at once to his usual place of abode. The officer shall report such action to the police department which, in turn, shall notify the parent, guardian, or person having custody or control of the minor. The officer shall report such action to the appropriate juvenile officer.

- (b) Any minor violating any provision of this article shall be dealt with in accordance with

the Children's Code of the State of Louisiana. (Ordinance No. 9 of 1996)