

ORDINANCE NUMBER 10-2017-09

CRIMINAL CODE

TO ENACT A CRIMINAL CODE FOR THE TOWN OF SIMMESPORT, TO REULATE OR PROHIBIT CERTAIN ACTIVITIES; TO PROVIDE PENALTIES FOR VIOLATION OF SUCH REGULATIONS OR PROHIBITIONS; TO PROVIDE FOR THE EFFECTIVENESS OF THIS ORDINANCE TO PRIOR ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR RELATED MATTERS.

Be it ordained by the Mayor and Board of Aldermen of the Town of Simmesport, Louisiana in regular session assembled that:

Section 1 – Title

The Title of this Ordinance shall be the “Criminal Code for the Town of Simmesport”

Section 2 – Definitions

A *Felony* is any crime for which an offender may be sentenced to death or imprisonment at hard labor. La. R.S.14:2 (4).

A *Misdemeanor* is any crime other than a felony. La. R.S. 14:2(6).

Section 3 – Criminal Code Adopted

- A. Pursuant to La. R.S. 33:1368, Title 14 of the Louisiana Revised Statutes titled “Criminal Law” in its current form and as it may be amended from time to time is incorporated herein by reference thereto as fully and completely as though set forth herein in its entirety.
- B. This ordinance shall specifically exclude all felonies except those specifically enumerated and referenced in La. R.S. 14:143.
- C. This ordinance shall include the felonies enumerated in La. R.S. 14:143 as it may be amended from time to time.
- D. This ordinance shall include provisions of Title 40 of the Louisiana Revised Statutes as specified and authorized under La. R.S. 14:143.
- E. This ordinance shall include all of Title 32 of the Louisiana Revised Statutes and a portion of Title 47 of the Louisiana Revised Statutes, as amended from time to time, as it pertains to traffic violations and the costs assessed.
- F. Title 40, Title 32, and Title 47 of the Louisiana Revised Statutes, in pertinent part, and as amended from time to time by the Louisiana Legislature, are incorporated herein by reference thereto as fully and completely as though set forth herein.
- G. In accordance with La. R.S. 33:362, the penalty for any misdemeanor adopted herein shall be limited to a fine of \$500.00, imprisonment of up to sixty days, or both; unless the specific provision of the code further limits such penalty.



Section 4

The sections, paragraphs, sentences, clauses, and phrases of the Statutes or Titles adopted herein by reference and made part of this Code shall be severable. If any section, paragraph, sentence, clause, or phrase of any of the Statutes or Titles referenced herein is declared unconstitutional, illegal, or otherwise invalid by judgment or decree of a court of competent jurisdiction, the unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of the Statutes and Titles adopted herein by reference and made part of this Code.

Section 5

All previous ordinance adopting and purporting to adopt by reference any previous municipal criminal code are hereby repealed and superseded.

Section 6

This ordinance shall not affect or supersede any duly enacted ordinance of the Town of Simmesport that does not directly conflict with a provision of the Louisiana Code of Criminal Procedure or a provision of Title 15 of the Louisiana Revised Statutes.

Section 7

Not less than two copies of the most current version (in pamphlet form) of Louisiana Revised Statutes Title 14, 32, 40, and 47 shall be permanently retained in the office of the Town Clerk, said copies to be made available for public inspection during regular office hours.

Section 8

The repeal of any provision of any section, paragraph, sentence, clause, phrase, or other provision or part of any of the Statutes or Titles adopted herein by reference and made part 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.

Section 9

This ordinance shall become effective upon passage.

Said Ordinance having been introduced at the meeting of the Board of Aldermen held on December 11, 2017, by the Town of Simmesport, copy of the Ordinance having been provided to all members of the Board of Aldermen and the Mayor, the title of the proposed Ordinance and notice of the time and place where the Board of Aldermen will consider the adoption of the Ordinance having been published once in the official journal of the municipality on November 9,



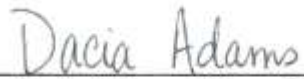
2017, and a public hearing having been held, the title of this Ordinance having been read and the Ordinance considered, on motion by Alderman Coco and seconded by Alderman Brown, to adopt the Ordinance, a record vote was taken and the following result was had:

	FOR	AGAINST	ABSTAIN
Alderman Bell	<u> X </u>	<u> </u>	<u> </u>
Alderman Brown	<u> X </u>	<u> </u>	<u> </u>
Alderman Coco	<u> X </u>	<u> </u>	<u> </u>
Alderman Marsh	<u> X </u>	<u> </u>	<u> </u>
Alderman Turner	<u> X </u>	<u> </u>	<u> </u>

Whereupon, the motion receiving the affirmative vote of a majority of the members of the Board of Aldermen, the presiding officer declared the above Ordinance duly adopted on the 11th day of December, 2017



Leslie Draper III, Mayor



Dacia Adams, Town Clerk

