

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 Francis Plaisance and seconded by Brady Broussard, Jr. :

#### ORDINANCE

<sup>15-05</sup>  
**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;<sup>1</sup>

**WHEREAS**, the legislature has provided that local "political subdivisions may prohibit the possession of a weapon or firearm in certain commercial establishments and public buildings."<sup>2</sup> The legislature has defined "public building" to include: "any structure that is owned, leased, or principally used by a government agency for public business, meetings, or other group gatherings, or other building to which the general public has reasonably free access [e.g. including, but not limited to every public and government building, school (kindergarten, nursery school, trade school, college, or university) office building, store, commercial building, enclosed shopping center, theater, lecture hall, auditorium, hotel, restaurant, boarding house, nursing home, hospital, airport building, bus depot, railroad depot, and other places where people congregate, etc.]"<sup>3</sup>

**WHEREAS**, the legislature has defined a "structure" to be "... any building or structure of any nature or kind whatsoever except the interior of a single private and one-or two-dwelling..."<sup>4</sup> and has determined that "things incorporated into a tract of land ... are its component parts."<sup>5</sup>

**WHEREAS**, City Council does hereby make the following findings of fact:

The City of Abbeville owns real estate which has been dedicated to a public purpose;

Buildings or structures have been incorporated into said real estate and have become component parts thereof;

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

<sup>2</sup> LSA R.R. 40:1796

<sup>3</sup> LSA R.S. 51:101

<sup>4</sup> LSA R.S. 40:1573

<sup>5</sup> LSA C.C. Art 465

The component parts of the real estate are essential to serve the public purpose for which the real estate is dedicated, and without which the needs of the public cannot be best served;

**WHEREAS**, the City Council does hereby make a finding of fact that it is in the best interest of the City's employees, the citizens of this City and its visitors, to allow them access to the above referred City buildings, structures, and real estate, so they can conduct business or enjoy the City's parks and recreational facilities, in a safe environment;

**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 5, Article III, Sections 5-46 through 5-48, inclusively:

#### **Chapter 5 – Buildings**

#### **Article III – Public Buildings – Weapons and firearms prohibited.**

##### **Sec. 5-46      Public Buildings – defined.**

For the purpose of this section the term “public building” shall include, but not be limited to any real estate, including any building, structure or other construction thereon, owned, leased, or possessed by the City of Abbeville for a public purpose.

##### **Sec. 5-47      City parks – Public Buildings.**

For the purpose of this section the entirety of a public park shall be a public building and not just the buildings, structures, or construction thereon.

##### **Sec. 5-48      Weapons and firearms prohibited, penalty.**

- A. Possessing a firearm, or dangerous weapon as defined by LSA R. S. 14:2, by anyone, not exempted in subsection (B) hereof, in a public building is unlawful.
- B. The provisions of this Section shall not apply to a federal law enforcement officer, or a Louisiana-commissioned state, or local Post Certified law enforcement officer who is authorized to carry a firearm.
- C. Whoever commits the crime of carrying a firearm, or a dangerous weapon, as defined in R.S. 14:2, in a public building shall be subject to prosecution in city court as a misdemeanor punishable by a fine not to exceed \$1,000.00, or incarceration for not more than 60 days, or both

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.