

JUL 26 1967

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION

A. DALLAM O'BRIEN, JR.
CLERK

ROBERT HICKS
Plaintiff

v.

JESSE H. CUTRER, et al.
Defendants

CIVIL ACTION
NO. 66-225
DIVISION "B"

MOTION TO SUPPLEMENT
PLAINTIFF'S COMPLAINT

Pursuant to the provisions of Rule 15(d) of the Federal Rules of Civil Procedure, plaintiff moves to supplement his complaint as follows:

1. On July 22, 1967, the Commission Council of the City of Bogalusa enacted new ordinances dealing with the regulation of parades and the issuance of permits therefor. These ordinances, Nos. 757 and 758, repealed the prior ordinances of the city heretofore enumerated in this complaint;
2. To amend paragraph 14(b) by substituting for "July 7, 1967," the date "July 22, 1967" and by substituting Ordinance No. 755 for Ordinance No. 757;
3. To amend paragraph 14(c) of the complaint by substituting Ordinances Nos. 757 and 758 for Ordinances Nos. 754 and 755;
4. To amend paragraph 14(d) of the complaint by substituting Ordinance No. 757 for Ordinance No. 755;

FEE
PROCESS
X CHARGE
INDEX
ORDER
HEARING
DOCUMENT NO. 18

5. To amend paragraph 14(e) by substituting for Ordinance No. 754 Ordinance No. 758;

6. To amend paragraph 17(e) by substituting Ordinance No. 757 for 755;

7. To amend paragraph C(1) of the prayer by substituting in each case Ordinance No. 757 for Ordinance 755 and Ordinance No. 758 for Ordinance No. 754.

Respectfully submitted,

RICHARD B. SOBOL
2209 Dryades Street
New Orleans, Louisiana 70113
523-1797

COLLINS, DOUGLAS & ELIE
2211 Dryades Street
New Orleans, Louisiana 70113
523-5197

By: Richard B. Sobol

Attorneys for Plaintiff

Date: July 26, 1967

Certificate

*I personally served a copy of this
Motion on attorney for defendants, Mr.
Cain, this 26th day of July, 1967.*

Richard B. Sobol

ORDINANCE NO. 757

AN ORDINANCE REPEALING AND RE-ENACTING ORDINANCE NO. 755 PROHIBITING PARADES, PROCESSIONS, MARCHES OR DEMONSTRATIONS ON COLUMBIA STREET, PROVIDING A PENALTY FOR VIOLATION THEREOF, REPEALING ANY ORDINANCE OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, PROVIDING FOR THE EFFECT OF THE REPEAL, AND MAKING THE PROVISIONS HEREOF EMERGENCY BY NATURE.

SECTION ONE: BE IT ORDAINED by the Commission Council of the City of Bogalusa, Louisiana, in special session convened, that the following ordinance is hereby adopted:

A. No parades, demonstrations or marches shall be permitted on Columbia Street between its intersection with Sixth Street and Willis Avenue.

B. Whoever violates the provisions of this Ordinance shall be fined not more than One Hundred and No/100 (\$100.00) Dollars or shall be confined not more than ninety (90) days, or both.

SECTION TWO: BE IT FURTHER ORDAINED that this Ordinance shall not apply to:

- (1) Funeral processions;
- (2) A governmental agency acting within the scope of its functions;
- (3) Lawful picketing on public sidewalks.

SECTION THREE: BE IT FURTHER ORDAINED that all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION FOUR: BE IT FURTHER ORDAINED that the repeal provided herein shall not affect any offense or act committed or done, or any penalty or forfeiture incurred before the effective date of this Ordinance.

SECTION FIVE: BE IT FURTHER ORDAINED that the public health, welfare and safety being affected by the provisions hereof, this Ordinance is hereby declared to be emergency by nature and the same shall be effective immediately upon adoption.

/s/ Curt Siegelin
Curt Siegelin, Mayor

/s/ S. Boyd Jones
S. Boyd Jones, City Clerk

INTRODUCED AND UNANIMOUSLY ADOPTED: JULY 22, 1967

I hereby certify that the above and foregoing is a true and correct copy of ORDINANCE NO. 757 of the City of Bogalusa, Louisiana.

S. Boyd Jones
S. Boyd Jones, City Clerk

ORDINANCE NO. 758

AN ORDINANCE repealing and re-enacting Article 83 of the Municipal Criminal Code of the City of Bogalusa, Louisiana, as repealed and re-enacted by Ordinance No. 754, regulating parades, providing penalties for violation of the Ordinance; repealing any Ordinances or parts of Ordinances in conflict herewith, particularly Section 21 - 16 (a) of the Code of Ordinances of the City of Bogalusa, regulating the effect of the repeal; making the provisions hereof emergency by nature and providing a savings clause.

SECTION 1: BE IT ORDAINED by the Commission Council of the City of Bogalusa, Louisiana, in special session convened, that Article 83 of the Municipal Criminal Code of the City of Bogalusa, Louisiana, which was adopted July 7, 1967, as Ordinance No. 754 is hereby repealed and re-enacted to read as follows, to-wit:

A. Definitions.

(1) "Parade" is any parade, march ceremony, show, exhibition, pageant, or procession of any kind, or any similar display, in or upon any street, park or other public place in this municipality.

(2) "Parade Permit" is a permit as required by this Article.

(3) "Person" is any person, firm, partnership, association, corporation, company or organization of any kind.

B. Permit Required.

No person shall engage in, participate in, aid, form or start any parade, unless a parade permit shall have been obtained from the Chief of Police or Commissioner of Public Safety.

(1) Exceptions. This Article shall not apply to:

(a) Funeral Processions;

(b) A governmental agency acting within the scope of its functions.

C. Application

A person seeking issuance of a parade permit shall file an application with the Chief of Police or Commissioner of Public Safety at the Bogalusa City Jail, Bogalusa, Louisiana.

(1) Filing Period. An application for a parade permit shall be filed with the Chief of Police or Commissioner of Public Safety not less than twenty-four (24) hours nor more than seventy-two (72) hours before this date on which it is proposed to conduct the parade.

(2) Contents. The application for a parade permit shall set forth the following information:

(a) The name and address of the person seeking to conduct such parade;

(b) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name and address of the headquarters of the organization, and of the authorized and responsible heads of such organization;

(c) The name and address of the person who will be the parade chairman and who will be responsible for its conduct;

- (d) The date when the parade is to be conducted;
- (e) The time when such parade will start and approximate time it will terminate;
- (f) The desired route to be traveled, the starting point and the termination point;
- (g) The approximate number of persons who, and animals and vehicles which, will constitute such parade; the type of animals, and description of the vehicles;

D. Prohibitions.

(1) No parades, processions, or marches shall be permitted within the city limits of this municipality between the hours of 6:00 p.m. and 8:00 a.m.

(2) Not more than one parade can be held within the corporate limits of the City of Bogalusa at the same time by more than one different person, nor by the same person on different routes when to adequately patrol and protect such parades would require the diverting of police to the extent that less than six policemen remain on patrol duty to furnish police protection to the remainder of the City.

E. Standards for Issuance.

The Chief of Police or Commissioner of Public Safety shall issue a permit as provided for hereunder when, from a consideration of the application, he finds that:

(1) The application has been completed and filed within the time specified in Section C (1) of this Ordinance.

(2) The application contains the information required by Section C (2) (a) through C (2) (g) of this Ordinance.

F. Notice of Approval or Rejection.

The Chief of Police and/or Commissioner of Public Safety shall give notice of the approval or rejection of the application to the applicant as soon as practical after such decision.

G. Alternative Route.

The Chief of Police or Commissioner of Public Safety shall be empowered to designate a route different from that named by the applicant when the application shows that the proposed parade will be held on Columbia Road between its intersection with Sixth Street and Willis Avenue. If, before or during the parade, an emergency occurs along the route proposed or being used, and use of the route for parade purposes would thereby interfere with movement of police cars, ambulances, fire trucks or other emergency vehicles so as to endanger the safety of the paraders or the general public, the parade will be re-routed. Failure of the parade to proceed along such different route shall constitute a revocation of the permit required herein and a violation of this Ordinance.

H. Penalty.

Whoever violates the provisions of this Article shall be fined not more than One Hundred and No/100 (\$100.00) Dollars, or shall be confined for not more than ninety (90) days, or both.

SECTION 2. BE IT FURTHER ORDAINED that it is hereby declared to be the intention of the City of Bogalusa, Louisiana, that the articles, paragraphs, sentences, clauses and phrases of the City of Bogalusa, Louisiana, Criminal Code are severable, and, if any article, paragraph, sentence, clause or phrase of such Code shall be declared unconstitutional and invalid, such unconstitutionality and invalidity shall not affect any of the remaining articles, paragrapha, sentences, clauses and phrases of this Code, since the same would have been enacted by this body without the incorporation in such Code of any such unconstitutional or invalid article, paragraph, sentence, clause or phrase.

SECTION 3. BE IT FURTHER ORDAINED that all Ordinances or parts of Ordinances in conflict herewith are hereby repealed, particularly Section 21 - 16 (a) of the Code of Ordinances of the City of Bogalusa, Louisiana.

SECTION 4. BE IT FURTHER ORDAINED that the repeal provided for herein shall not affect any offense or act committed or done, or any forfeiture incurred, before the effective date of this Ordinance.

SECTION 5. BE IT FURTHER ORDAINED that the public health, welfare and safety being affected by the provisions hereof, the provisions of this Ordinance are hereby declared to be emergency by nature and the same shall be effective immediately upon adoption.

/s/ Curt Siegelin
Curt Siegelin, Mayor

/s/ S. Boyd Jones
S. Boyd Jones, City Clerk

INTRODUCED AND ADOPTED: July 22, 1967

I hereby certify that the above and foregoing is a true and correct copy of ORDINANCE NO. 758 of the City of Bogalusa, Louisiana.

S. Boyd Jones
S. Boyd Jones, City Clerk