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State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
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May 5, 2015
OPINION 14-0102

Chief Rickey Boudreaux
Chief of Police
Youngsville Police Department
P.O. Box 310
Youngsville, LA 70592

71 MUNICIPALITIES

La. R.S. 33:361
La. R.S. 33:423

The City of Youngsville cannot require an elected Chief of Police or any of his police officers to be present for the removal of a political sign from private property. The allocation of police resources is exclusively within the Chief's authority.

Dear Chief Boudreaux:

You have requested that our office issue an opinion as to whether the City of Youngsville can require its police officers to be present for the removal of political signs on private property in order to enforce a local ordinance.

The ordinance at issue, City of Youngsville Ordinance No. 280.4, which amended and re-enacted Ordinance Nos. 280.3 and 280.2, (hereinafter referred to as "Ordinance 280.4") regulates signs. Its stated purpose is as follows:

[T]o facilitate the location and choice of signs to ensure better communication between people and their environment and to avoid visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities and community appearance. With this purpose in mind, it is the intent of this ordinance to authorize the use of signs which are compatible to the unique environment of Youngsville, Louisiana, appropriate to the activity that displays them, creative and expressive of the identity of both individual activities and the community as a whole, and legible in the environment in which they are seen.

Ordinance No. 280.4.

Ordinance No. 280.4 defines over seventy different types of signs, but your inquiry is limited to political signs. Political signs are defined in the ordinance as:

[A]ny sign urging the election or defeat of any candidate seeking any political office, or urging the passage or defeat of any ballot measure, but not including any billboard owned or maintained by a commercial firm or advertising company when leased or used as a political sign.

Political signs are listed as "exempt signs" in the ordinance. Specifically, the ordinance provides that:

ARTICLE III: EXEMPT SIGNS

13. Political signs, on private property provided such signs shall not exceed thirty-two (32) square feet in area (six (6) square feet on residential subdivision properties). Such signs shall not be erected more than sixty (60) days before an election and must be removed within fourteen (14) days after the final election.

An exempt sign simply refers to a sign that may be erected by securing a permit with no charge and subject to meeting all other applicable codes and regulations. Ordinance No. 280.4 at Article III.

The City of Youngsville has a mayor-board of alderman form of government provided by the Lawrason Act, and it is governed by the provisions of La. R.S. 33:361.¹ The city's police department is headed by an elected chief of police.

The duties of a chief of police are set forth in La. R.S. 33:423, which provides in pertinent part:

The marshal shall be the chief of police and shall be ex officio a constable. He shall have general responsibility for law enforcement in the municipality and shall be charged with the enforcement of all ordinances within the municipality and all applicable state laws. He shall perform all other duties required by him by ordinance.

It has consistently been the opinion of this office that, pursuant to La. R.S. 33:423, an elected chief of police has the inherent authority to supervise and control his office, equipment, and personnel on a day-to-day operational basis. See La. Atty. Gen. Op. Nos. 05-0096, 98-469, 98-438, 86-589; See also *Cogswell v. Town of Logansport*, 321 So.2d 774, 779 (La.App. 2 Cir. 1975) (holding that the chief of police has the "power to supervise the operation of the police department and assign its personnel and equipment. . .").

Ordinance No. 280.4 does not on its face require police officers to be present for the removal of political signs. We find no language in the ordinance that deprives the chief of police of his authority to control the property and assign personnel in the police department. While there is no express requirement in the ordinance that police officers be present for the removal of political signs, it is our understanding that you are

¹ The Lawrason Act is the general municipal incorporation law of Louisiana which classifies and bestows powers and privileges upon municipalities according to population.

concerned with receiving a directive from the city requiring you to have police officers present for the removal of signs.

This office has previously opined that a directive that a police officer issue a citation would infringe upon the chief of police's inherent power to supervise the operation of his department. See La. Atty. Gen. Op. No. 04-0140. Extending this reasoning to the facts at issue, it is the opinion of this office that the municipality cannot require its police officers to be present for the removal of a political sign on private property. To do so would infringe upon the inherent discretionary powers afforded the chief of police to allocate the resources and manpower of his department in response to a complaint by a citizen or the Board of Alderman concerning the alleged violation of an ordinance.

We hope this opinion adequately addresses the concerns you have raised. If you have any further questions, please do not hesitate to contact our office.

Very truly yours,

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