

**TITLE XIII: GENERAL OFFENSES**

Chapter

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## CHAPTER 130: GENERAL OFFENSES

### Section

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#### ***Cross-reference:***

*Obstructing streets, sidewalks and the like [i.e., loitering], see §§ 96.45 through 96.48*

### **GENERAL PROVISIONS**

#### **§ 130.01 INTERFERENCE WITH OFFICIALS.**

It shall be unlawful for any person to intentionally impede or attempt to impede or interfere with any police officer, firefighter or any other city official in the performance of his or her duty or emergency functions as a police officer, firefighter or city official.

('79 Code, § 10-1) (Ord. passed 7-7-70) Penalty, see § 10.99

#### **§ 130.02 THROWING OR DISCHARGING PROJECTILES.**

Any person who shall throw any stone, shot, ball or other missile with a sling or with a spring or with an elastic sling, within the corporate limits of the city, shall be deemed guilty of disorderly conduct.

('79 Code, § 10-3) (Ord. 7, passed 6-6-1893) Penalty, see § 10.99

**§ 130.03 INTERFERENCE WITH TELEVISION OR RADIO RECEPTION.**

(A) It shall be unlawful for any person to operate or cause to be operated any machine, device, apparatus or instrument of any kind whatsoever within the corporate limits of the city, the operation of which shall cause reasonably preventable electrical interference with television or radio reception within the municipal limits; provided, however, that X-ray pictures, examinations or treatments may be made at any time if the machine and/or apparatus used therefor are properly equipped to avoid all unnecessary or reasonably preventable interference with radio and/or television reception and are not negligently operated.

(B) This section shall not be held or construed to embrace or cover the regulation of any transmitting, broadcasting or receiving instrument, apparatus or device used or useful in interstate commerce or the operation of which instrument, apparatus or device is licensed or authorized by or under the provision of any act of the Congress of the United States.  
(79 Code, § 10-4) (Ord. passed 5-19-53) Penalty, see § 10.99

**§ 130.04 [RESERVED.]****§ 130.05 DISCHARGING FIREARMS PROHIBITED.**

(A) *Definition.* For the purposes of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***FIREARM.*** A weapon capable of firing a projectile and using an explosive charge or compressed gas/air as a propellant.

(B) *Prohibition.* It shall be unlawful for any person to discharge any firearm that discharges a projectile that is capable of causing serious bodily injury including, but not limited to any pistol, revolver, rifle, shotgun, BB gun, spring gun, air gun or any other firearm of any type within the city.

(C) *Exemptions.* The provisions of division (B) above do not apply to:

- (1) Police officers engaged in the performance of their official duties;
- (2) Members of the Armed Forces of the United States engaged in the performance of their official duties;
- (3) Members of the National guard engaged in the performance of their official duties;
- (4) Persons exercising their right of self-defense, defense of others or defense of property;
- (5) Persons participating in activities at an indoor or outdoor shooting range approved by the city provided those activities are conducted in accordance with applicable federal, state and local laws.  
(Ord. 2004-3, passed 2-3-04; Am. Ord. 2013-13, passed 9-3-13) Penalty, see § 130.99

***CURFEW FOR MINORS***

**§ 130.15 PURPOSE.**

The purpose of this subchapter is to promote the general welfare and protect the general public through the reduction of juvenile violence and crime within the city, to promote the safety and well being of the city's youngest citizens and persons whose inexperience renders them particularly vulnerable to becoming participants in unlawful activities, particularly unlawful drug activities, and to being victimized by older perpetrators of crime, and to foster and strengthen parental responsibility for children.  
(Ord. 2000-22, passed 11-7-00)

**§ 130.16 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***CURFEW HOURS.***

- (1) It is a curfew violation for a child 15, 16, or 17 years of age to be in a public place:
  - (a) Between 12:00 midnight and 5:00 a.m. on Friday or Saturday night;
  - (b) After 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or
  - (c) Before 5:00 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.

(2) It is a curfew violation for a child less than 15 years of age to be in a public place after 11:00 p.m. or before 5:00 a.m. on any day.

***DESIGNATED ADULT.*** A person who is:

(1) Designated or given permission by a natural parent, adoptive parent, or step parent, or guardian or another person to supervise the parent's child or children under this ordinance; and

(2) Is at least 18 years of age.

***EMERGENCY.*** An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

***ESTABLISHMENT.*** Any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

**GUARDIAN.**

- (1) A person who, under court order, is the guardian of the person or a minor, or
- (2) A public or private agency with whom a minor has been placed by a court.

**MINOR.** Any person under 18 years of age.

**OPERATOR.** Any individual, firm, association, partnership, or corporation operating, managing or conducting any establishment. The terms includes the members or partners of an association or partnership, the officers of a corporation, members or managers of a limited liability company or other like kind individuals.

**PARENT.** A person who is:

- (1) A natural parent, adoptive parent, or step-parent or another person; or
- (2) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

**PUBLIC PLACE.** Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

**REMAIN.** To:

- (1) Linger or stay; or
- (2) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

**SERIOUS BODILY INJURY.** Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.  
(Ord. 2000-22, passed 11-7-00)

**§ 130.17 OFFENSES.**

(A) A minor commits an offense if he remains in any public place or on the premises of any establishments within the city during curfew hours.

(B) A parent, guardian or designated adult of a minor commits an offense if he or she knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises or any establishment within the city during curfew hours.  
(Ord. 2000-22, passed 11-7-00)

**§ 130.18 DEFENSES.**

It is a defense to being cited under this ordinance if the minor was:

(A) Accompanied by the minor's parent, guardian or designated adult for supervision purposes;

(B) On an errand at the direction of the minor's parent guardian or designated adult without any detour or stop;

(C) In a motor vehicle involved in interstate travel;

(D) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(E) Involved in an emergency involving or potentially involving serious bodily injury;

(F) On the sidewalk abutting the minor's residence or abutting the resident of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence;

(G) Attending an official school, religious, political or other recreational activity supervised by adults and or sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any detour or stop, an official school, religious, political or other recreational activity supervised by adults and/or sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor; and/or

(H) Exercising First Amendment rights in the form of attending religious events, political events, vigils, lawful demonstrations and assembly, educational activities, neighborhood association meetings or other activities of a like kind that fall within the ambit of the First Amendment to the United States Constitution.

(I) Exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly; or

(J) Married or had been married or has been legally emancipated in accordance with the Indiana Code.

(Ord. 2000-22, passed 11-7-00)

**§ 130.19 ENFORCEMENT.**

A police officer, before taking any legal action, may take steps necessary to question any individual who appears to be under the age of 18 for the specific purpose of enforcing this subchapter. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation under this section unless the officer reasonably believes that an offense has occurred and

that, based on any response and other circumstances, no defense in § 130.17 is present. An effort will be made on behalf of the Police Department to contact the parent, guardian or designated adult to inform them of the alleged curfew violation under this section.  
(Ord. 2000-22, passed 11-7-00)

**§ 130.99 PENALTY.**

(A) (1) Any person who violates a provision of §§ 130.15 through 130.19 is in violation of a separate offense for each day or part of a day during which the violation is committed, continued or permitted. Each offense is punishable by a fine.

(2) The offenses shall be punishable by the following:

(a) First offense: \$50.

(b) Second offense: \$100.

(c) Third offense: \$250.

(d) Fourth offense and each offense thereafter: \$500.

(B) Any person cited under §§ 130.15 through 130.19 shall pay the fine within five days of receiving the same to the City Clerk-Treasurer.

(C) The penalty for violation of § 130.05 shall be a \$100 fine. Violations of § 130.05 shall be processed through the Ordinance Violations Bureau.

(D) Any person who fails to pay the fines and penalties provided for in this section shall be responsible for all fees and expenses incurred in collection of said fines, including attorney fees.  
(Ord. 2000-22 passed 11-7-00; Am. Ord. 2003-06, passed 4-15-03; Am. Ord. 2004-3, passed 2-3-04; Am. Ord. 2013-13, passed 9-3-13)



**CHAPTER 131: ALCOHOLIC BEVERAGES**

Section

131.01 Consumption or possession of alcoholic beverages on municipally-owned or leased property prohibited

131.99 Penalty

**§ 131.01 CONSUMPTION OR POSSESSION OF ALCOHOLIC BEVERAGES ON MUNICIPALLY-OWNED OR LEASED PROPERTY PROHIBITED.**

The consumption or possession of any alcoholic beverage of any type is prohibited on or upon any municipally-owned or leased real estate, including any buildings erected thereon, within the corporate limits of the city and including, but not limited to, the Feick Memorial Park, John F. Kennedy Park, Eastside Park, Quincy Street Park, Northside Park, Little League Baseball Diamond, and any other municipally-owned or leased property. ('79 Code, § 4-2) (Ord. passed 8-17-76) Penalty, see § 131.99

**Cross-reference:**

*For fine, see Schedule of Civil Penalties in § 35.03*

**§ 131.99 PENALTY.**

Every person who violates any provision of § 131.01 shall be subject to a fine of \$50 per violation. Fines and penalties should be governed by and collected pursuant to the provisions of the Ordinance Violations Bureau. Any person who fails to pay the fines and penalties provided for in this section shall be responsible for all fees and expenses incurred in collection of said f i n e s , i n c l u d i n g attorney fees.

(Ord. 52191-1, passed 5-21-91; Am. Ord. 2002-29, passed 12-3-02; Am. Ord. 2003-06, passed 4-15-03)



## **CHAPTER 132: SMOKING IN PUBLIC BUILDINGS**

### Section

- 132.01 Smoking prohibited in public buildings
- 132.02 Smoking prohibited in city vehicles
- 132.03 Signs prohibiting smoking
  
- 132.99 Penalty

### **§ 132.01 SMOKING PROHIBITED IN PUBLIC BUILDINGS.**

Smoking, as defined in IC 7.1-5-12, is prohibited in each publicly owned or occupied building of the city or any of its departments, in their entirety.  
(Ord. 2012-06, passed 6-26-12) Penalty, see § 132.99

***Cross-reference:***

*See also Schedule of Civil Penalties in § 35.03*

### **§ 132.02 SMOKING PROHIBITED IN CITY VEHICLES.**

Smoking, as defined in IC 7.1-5-12, is prohibited in all vehicles owned, leased or operated by the city.  
(Ord. 2012-06, passed 6-26-12) Penalty, see § 132.99

### **§ 132.03 SIGNS PROHIBITING SMOKING.**

Signage as required by IC 7.1-5-12 shall be appropriately displayed on all public buildings.  
(Ord. 2012-06, passed 6-26-12)

### **§ 132.99 PENALTY.**

Every person who violates the provisions of this chapter shall be subject to a fine of \$50 per violation. Fines and penalties shall be governed by and collected pursuant to the provisions of the Ordinance Violations Bureau.  
(Ord. 2012-06, passed 6-26-12)

