

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

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Section

- 130.01 Curfew
- 130.02 Discharging high-powered weapons
- 130.03 Obstruction of drainage or natural water course

- 130.99 Penalty

130.01 CURFEW.

(A) Definitions. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLOW. Either permit or neglect to refrain or prevent. It requires actual or constructive knowledge on the part of the parent or guardian, that is, the parent or guardian must actually know about the child violating this section, or the circumstances must be such that a reasonable, prudent parent or guardian should have known the child was violating this section.

MINOR. Any person under the age of 18, or, as may be otherwise phrased, any person of the age of 17 or under.

PARENT. Any person having legal custody of a minor:

- (1) As a natural or adoptive parent;
- (2) As a legal guardian;
- (3) As a person who stands in loco parentis; or
- (4) As a person to whom legal custody has been given by order of the court.

REMAIN. To stay behind, to tarry, or to stay unnecessarily upon or in any public assembly, building, place, parking lot, street or highway.

(B) Curfew times.

(1) It shall be unlawful for any person under the age of 18 to be or remain in or upon any public assembly, building, place, parking lot, street, or highway within the city at night during the following periods:

- (a) 11:00 p.m. Monday to 6:00 a.m. Tuesday;
- (b) 11:00 p.m. Tuesday to 6:00 a.m. Wednesday;
- (c) 11:00 p.m. Wednesday to 6:00 a.m. Thursday;
- (d) 11:00 p.m. Thursday to 6:00 a.m. Friday;
- (e) 12:00 midnight Friday to 6:00 a.m. Saturday;
- (f) 12:00 midnight Saturday to 6:00 a.m. Sunday; or
- (g) 11:00 p.m. Sunday to 6:00 a.m. Monday.

(2) It shall be unlawful for any parent or guardian having legal custody of a minor to allow the minor to be or remain in or upon any public assembly, building, place, parking lot, street, or highway in the city under circumstances not constituting an exception as enumerated in division (C) below during the time periods contained in division (1) of this division (B).

(C) Exceptions. In the following exceptional cases, a minor in or upon any public assembly, building, place, parking lot, street, or highway in the city during the nocturnal hours provided for in division (B) above shall not be considered in violation of this section:

- (1) When a minor is accompanied by his or her parent or guardian;
- (2) When accompanied by an adult authorized by a parent or guardian of the minor;
- (3) When 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, provided that written notice signed by the minor and countersigned by a parent is in the possession of the minor specifying when, where, and in what manner the minor will be exercising such First Amendment rights;
- (4) In case of reasonable necessity but only after the minor's parent has communicated to the Police Department the facts establishing the reasonable necessity;
- (5) When returning home, by a direct route from, and within 1 hour of the termination of a school activity, or any activity of religious or other voluntary association, provided that justification indicating the place and time of termination of the event can be given to any investigating officer of the Police Department;

(6) When attending an official school, religious, or other recreational activity supervised by adults and sponsored by the school system, any duly accredited private school system, 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, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor.

(7) When engaged in business or occupation which the laws of Kentucky authorized a person under 18 years of age to perform;

(8) When the minor is, with parental consent, in a motor vehicle with a lawfully authorized driver while the vehicle is traveling on a public street or highway;

(9) When the minor, who is a duly authorized and licensed driver, is operating a motor vehicle within the city for the purpose of passing through, by a direct route, from one location to another either within or out of the city, including all minors that may also be within the vehicle; and/or

(10) When the minor is involved in an emergency.

(D) Enforcement.

(1) A police officer upon finding or being notified of any minor in or upon any public assembly, building, place, parking lot, street, or highway reasonably believed to be in violation of this section, shall follow the duties of a police officer set forth in KRS 610.200 through 610.280, which governs the taking or receiving of a child into custody on a charge of committing an offense. All other provisions of the Unified Juvenile Code shall apply.

(2) 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 or make an arrest 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 division (C) is present.

(3) A police officer, upon finding or being notified of any minor in or upon any public assembly, building, place, parking lot, street, or highway, whose parent is believed to be in violation of this section, shall confront the minor and request the information as his or her name, age, address of his or her parent.

(4) This section is not exclusive of KRS 405.025.
(Ord. 1999-03, passed 6-14-1999) Penalty, see ' 130.99

' 130.02 DISCHARGING HIGH-POWERED WEAPONS.

(A) It shall be unlawful for any person or organization to discharge a high-powered weapon within the populated city limits of the city.

(B) It shall be lawful to discharge a shotgun on any land zoned agriculture by the Planning and Zoning Department of the city providing the land does not violate division (A).

(C) The term "high-powered weapon" shall mean any rifle 22 caliber or above. The term "person" or "organization" shall exclude all law enforcement officials in the course of the performance of their duty. (1987 Code, ' 136.02) (Ord. 1020.5, passed - - ; Am. Ord., passed - -) Penalty, see ' 130.99

' 130.03 OBSTRUCTION OF DRAINAGE OR NATURAL WATER COURSE.

It shall be unlawful for any person to obstruct any drainage or natural water course so as to cause the drainage or water to overflow or to cause the water to stand or become stagnant and it shall be unlawful to place any obstruction in a street or alley of the city which in any manner prevents the proper drainage of the street or alley.

(1987 Code, ' 132.01) (Ord. passed 5-3-1920) Penalty, see ' 130.99

' 130.99 PENALTY.

(A) (1) Violation by a minor of the provisions of ' 130.01 shall constitute a public offense as contemplated in the provisions of KRS Chapter 635 and a complaint shall be filed against a minor for such a violation in accordance with the provisions of KRS Chapter 635.

(2) Any parent or guardian violating ' 130.01 shall be subject to a fine of no more than \$500 or imprisonment for a period not to exceed 6 months, or both. Any parent or guardian violating ' 130.01 may also be found guilty of a civil offense. The civil fine shall not be more than \$500. The civil fine shall be paid directly to the city. If the fine is not paid within 30 days of notification, then the city may recover the fine in a civil action in a court of proper jurisdiction. The city may also obtain injunctions or abatement orders to insure compliance with ' 130.01 or pursue administrative remedies when appropriate, including abatement proceedings.

(3) A person who violates a provision of this chapter is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted.
(Ord. 1999-03, passed 6-14-1999)

(B) Any person violating any provision of ' 130.02 shall be fined not less than \$100 nor more than \$500 for each offense, and weapons and ammunition shall be confiscated. A separate offense shall be deemed committed on each day during which a violation occurs or continues.
(1987 Code, ' 136.99) (Ord. 1020.5, passed - - ; Am. Ord., passed - -)

(C) Whoever violates the provisions of ' 130.03 shall be fined not more than \$500 for each offense or each day the obstruction remains.

(1987 Code, ' 132.99)

