

TITLE XIII: GENERAL OFFENSES

CHAPTER 130: GENERAL OFFENSES

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GENERAL REGULATIONS

§ 130.01 DISORDERLY CONDUCT.

It is unlawful for any person, in a public or private place, knowing or having reasonable grounds to know, that it will or will tend to alarm, anger, or disturb others or provoke any assault or breach of the peace, to do or permit upon premises owned or controlled by them the following:

(A) Engage in brawling or fighting;

(B) Disturb an assembly or meeting, not unlawful in its character;

(C) Engage in offensive, obscene or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger, or resentment in others;

(D) Willfully and lewdly exposes their person or the private parts thereof or procures another to so expose their self and any open or gross lewdness or lascivious behavior or any act of public indecency;

(E) Voluntarily enters the water of any lake, river, or City public swimming pool within the limits of the City between the hours of 10:00 p.m. and 8:00 a.m., except with specific permission or enters the water without being garbed in a bathing suit sufficient to cover their person and equal to the standards generally adopted and accepted by the public;

(F) Races the motor of any motor vehicle;

(G) Causes the spinning or skidding of wheels or tires causing tire squeals or similar noise;

(H) Causes the making or production of an unnecessary noise by shouting or by any other means of mechanism, including the blowing of any automobile or other vehicle horn;

(I) Use a flash or spotlight in a manner so as to annoy or endanger others;

(J) Drinks or displays any intoxicating liquor or 3.2 malt liquor in or about any premises where the drinking or display is prohibited by law;

(K) Causes defacement, destruction, or otherwise damage to any premises or any property located thereon;

(L) Strews, scatters, litters, throws, disposes of or deposits any refuse, garbage, or rubbish unto any premises, except into receptacles provided for such purpose;

(M) Enters any motor vehicle of another without the consent of the owner or operator; or

(N) Fails or refuses to vacate or leave any premises after being requested or ordered, whether orally or in writing, to do so, by the owner or person in charge thereof or by any law enforcement agent or official; provided, however, that this provision shall not apply to any person who is owner or tenant of the premises involved nor to any law enforcement or other government official who may be present thereon at that time as part of their official duty, nor shall it include the spouse, children, employee, or tenant of such owner or occupier.

§ 130.02 REGULATIONS GOVERNING CITY SWIMMING BEACHES AND CITY-OWNED BOAT LAUNCHING DOCKS.

(A) The following regulations are established for operating of the City swimming beach at Bill LaFave Park and City-owned boat launching docks:

(1) All lifeguard commands shall be obeyed;

(2) No glass containers or bottles are allowed in Bill LaFave Park beach area or where posted;

(3) No animals are allowed in the Bill LaFave Park beach area;

(4) No floatation devices may be used in the Bill LaFave Park beach swimming area without consent of lifeguard;

(5) Only on-duty lifeguards are allowed on the lifeguard stand;

(6) No swimming is permitted at Bill LaFave Park beach unless lifeguards are on duty; and

(7) No swimming is permitted at any time off City-owned docks.

(B) It is unlawful for any person to fail to comply with the regulations established herein.

§ 130.03 PARK REGULATIONS.

(A) *Speed limit in public parks.* It is unlawful for any person to exceed the speed limit of ten miles per hour in the following public parks: L.B. Hartz Park, Oakland Park, Bill LaFave Park, Tourist Park, and Boy Scout Park.

(B) *Closing hour for all public parks.* It is unlawful for any person, except registered guests, to be upon any park premises between the hours of 11:00 p.m. of one day and 6:00 a.m. of the succeeding day without the express consent of the Parks and Recreation Director, provided that the hours shall be prominently sign-posted at certain public park entrances as reasonably established by the Parks and Recreation Director.

§ 130.04 PROHIBITED USE OF MOBILE HOMES AND RECREATIONAL CAMPING VEHICLES.

(A) *Definitions.* For the purpose of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning. The terms *MOBILE HOME* and *RECREATIONAL CAMPING VEHICLE* shall mean and include the following definitions.

(1) *CAMPING TRAILER.* A folding structure, mounted on wheels and designed for travel, recreation, and vacation uses.

(2) *MOTOR HOME.* A portable, temporary dwelling to be used for travel, recreation, and vacation, constructed as an integral part of a self-propelled vehicle.

(3) *PICK-UP COACH.* A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.

(4) *TRAVEL TRAILER.* A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational, and vacation uses.

(B) *Unlawful action.* It is unlawful for any person to park a mobile home or recreational camping vehicle upon public or private property for human habitation except in an area zoned for that use.

§ 130.05 OPEN PITS, BASEMENTS AND OTHER EXCAVATIONS.

It is unlawful for any person owning or in control of real estate to have any pit, basement, well, septic tank, cesspool, or other excavation on the premises open and without protection for the public.

§ 130.06 BARBED WIRE FENCES.

It is unlawful for anyone to erect or maintain a barbed wire fence upon their property, which fence abuts upon any street or within ten feet of their property line with an abutting property owner.

§ 130.07 AIRCRAFT CONTROL.

No aircraft of any kind, type or description, except such aircraft as may be in imminent danger, may use any public waters located within the City for any purpose whatsoever.

§ 130.08 CURFEW FOR MINORS.

(A) **Purpose.** The curfew for minors established by this Section is maintained for four primary reasons:

- (1) To protect the public from illegal acts of minors committed during the curfew hours;
- (2) To protect minors from improper influences that prevail during the curfew hours, including involvement with gangs;
- (3) To protect minors from criminal activity that occurs during the curfew hours; and
- (4) To help parents control their minor children.

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

(1) **EMERGENCYERRAND.** A task that if not completed promptly threatens the health, safety, or comfort of the minor or a member of the minor's household. The term shall include, but shall not be limited to, seeking urgent medical treatment, seeking urgent assistance from law enforcement or Fire Division personnel, and seeking shelter from the elements or urgent assistance from a utility company due to a natural or human-made calamity.

(2) **OFFICIAL CITY TIME.** The time of day as determined by reference to the master clock used by the Police Division.

(3) **PLACES OF AMUSEMENT, ENTERTAINMENT, OR REFRESHMENT.** Those places that include, but are not limited to, movie theaters, pinball arcades, shopping malls, nightclubs catering to minors, restaurants, and pool halls.

(4) **PRIMARY CARE or PRIMARY CUSTODY.** The person who is responsible for providing food, clothing, shelter, and other basic necessities to the minor. The person providing primary care or custody to the minor shall not be another minor.

(5) **SCHOOL ACTIVITY.** An event which has been placed on a school calendar by public or parochial school authorities as a school sanctioned event.

(C) **Hours; minors under the age of 16 years.** No minor under the age of 16 years shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, or public buildings; nor in or upon places of amusement, entertainment, or refreshment; nor in or upon any vacant lot, between the hours of 11:00 p.m. and 5:00 a.m. (subject to park regulations) the following day, official City time.

(D) **Effect on control by adult responsible for minor.** Nothing in this Section shall be construed to give a minor the right to stay out until the curfew hours designated in this Section if otherwise directed by a parent, guardian, or other adult person having the primary care and custody of the minor; nor shall this Section be construed to diminish or impair the control of the adult person having the primary care or

custody of the minor.

(E) *Exceptions.* The provisions of this Section shall not apply in the following situations:

(1) To a minor accompanied by the minor's parent or guardian or other adult person having the primary care and custody of the minor;

(2) To a minor who is upon an emergency errand at the direction of the minor's parent, guardian, or other adult person having the primary care and custody of the minor;

(3) To a minor who is in any of the places described in this Section if in connection with or as required by an employer engaged in a lawful business, trade, profession or occupation, or to a minor traveling directly to or from the location of the business trade, profession, or occupation and the minor's residence. Minors who fall within the scope of this exception shall carry written proof of employment and proof of the hours the employer requires the minor's presence at work;

(4) To a minor who is participating in or traveling directly to or from an event which has been officially designated as a school activity by public or parochial school authorities or who is participating in or traveling directly to or from an official activity supervised by adults and sponsored by the City, a civic organization, school, religious institution, or similar entity that takes responsibility for the minor and with the permission of the minor's parent, guardian, or other adult person having the primary care and custody of the minor;

(5) To a minor who is passing through the City in the course of interstate travel during the hours of curfew;

(6) To a minor who is attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free speech, freedom of assembly, or freedom of religion;

(7) To minors on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor does not complain to the City's designated law enforcement provider about the minor's presence; and

(8) To a minor who is married or has been married or is otherwise legally emancipated.

(F) *Duties of person legally responsible for minor.* No parent, guardian, or other adult having the primary care or custody of any minor shall permit any violation of the requirements of this Section by the minor.

(G) *Duties of other persons.* No person operating or in charge of any place of amusement, entertainment, or refreshment shall permit any minor to enter or remain in the person's place of business during the hours prohibited by this Section unless the minor is accompanied by the minor's parent, guardian, or other adult person having primary care or custody of the minor or unless one of the exceptions to this Section apply.

(H) *Defense.* It shall be a defense to prosecution under this Section that the owner, operator, or employee of an establishment promptly notified the City's designated law enforcement provider that a minor was present on the premises of the establishment during curfew hours and refused to leave.

§ 130.25 ACTS PROHIBITED; EXCEPTION.

(A) *Acts prohibited.* It is unlawful for any person to:

(1) Recklessly handle or use a gun or other dangerous weapon or explosive so as to endanger the safety of another;

(2) Intentionally point a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another;

(3) Manufacture or sell for any unlawful purpose any weapon known as a sling-shot or sand club;

(4) Manufacture, transfer, or possess metal knuckles or a switch blade knife opening automatically;

(5) Possess any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another;

(6) Sell or have in possession any device designed to silence or muffle the discharge of a firearm;
or

(7) Furnish a minor under 18 years of age with a firearm, air gun, ammunition, or explosive without the written consent of the minor's parent or guardian or of the Police Division.

(B) *Exception.* Nothing in Division (A) of this Section shall prohibit the possession of the articles therein mentioned if the purpose of the possession is for public exhibition by museums or collectors of art.

§ 130.26 DISCHARGE OF FIREARMS AND EXPLOSIVES; EXCEPTION.

(A) It is unlawful for any person to fire or discharge any cannon, gun, pistol or other firearm, firecracker, sky rocket or other fireworks, air gun, air rifle, or other similar device commonly referred to as a BB gun.

(1) The term "fireworks" means any substance or combination of substances or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration, or detonation, and includes blank cartridges, toy cannons, and toy canes in which explosive are used, the type of balloons which require fire underneath to propel them, firecrackers, torpedoes, skyrockets, Roman Candles, daygo bombs, sparklers other than those specified in Subparagraph 3, or other fireworks of like construction, and any fireworks containing any explosive or inflammable compound, or any tablets or other device containing any explosive substance and commonly used as fireworks.

(2) The term "fireworks" shall not include toy pistols, toy guns, in which paper caps containing 25/100 grains or less of explosive compound are used and toy pistol caps which contain less than 20/100 grains of explosive mixture.

(3) The term "fireworks" also does not include wire or wood sparklers or not more than 100 grams of mixture per item, other sparkling items which are nonexplosive and nonaerial and contain 75 grams or less of chemical mixture per tube or a total of 200 grams or less for multiple tubes, snakes, and

glow works, streamers, party poppers, string poppers, snappers, and drop pops, each consisting of not more than twenty-five hundredths grains of explosive mixture. The use of items listed in this subparagraph is not permitted on public property. This subparagraph does not authorize the purchase of items listed in it by persons younger than 18 years of age. The age of a purchaser of items listed in this subparagraph must be verified by photographic identification.

(B) Nothing in Division (A) of this Section shall apply to a display of fireworks by an organization or group of organizations after approval by the City Council and payment of a fee established by the City Council by resolution, which resolution may be amended from time to time, to a City-appointed animal control officer, a licensed peace officer in the discharge of duty, or to a person in the lawful defense of their person or family. This Section shall not apply to the discharge of firearms in a range authorized in writing by the Council.

§ 130.27 POSSESSION AND SALE OF FIREWORKS.

It is unlawful for any person to sell, possess, or have in possession for the purpose of sale, except as allowed in § 130.26, any firecrackers, sky rockets, or other fireworks.

§ 130.28 EXPOSURE OF UNUSED CONTAINER.

It is unlawful for any person, being the owner or in possession or control thereof, to permit an unused refrigerator, freezer, or other container sufficiently large to retain any child with doors which fasten automatically when closed to allow children access to the same without removing the doors, lids, hinges, or latches.

§ 130.29 USE OF BOW AND ARROW.

It is unlawful for any person to shoot a bow and arrow except in the Physical Education Program in a school supervised by a member of its faculty, a community-wide supervised class or event specifically authorized by the City Council, or a bow and arrow range authorized by the Council.