

TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES AGAINST MUNICIPAL REGULATIONS

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Section

- 130.01 Curfew for minors
- 130.02 Discharging projectiles
- 130.03 Possession or use of alcoholic beverages by minors prohibited

- 130.99 Penalty

' 130.01 CURFEW FOR MINORS.

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

AALLOW.@ 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.

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

APARENT.@ 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 *Ain loco parentis*;
- (4) Or as a person to whom legal custody has been given by order of the court.

AREMAIN.@ To stay behind, to tarry, or to stay unnecessarily upon or in any public assembly, building, place, street or highway.

(B) (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, street, or highway within the city at night during the following periods:

- 12:00 a.m. Friday to 5:00 a.m. Saturday
- 12:00 a.m. Saturday to 5:00 a.m. Sunday
- 11:00 p.m. Sunday to 5:00 a.m. Monday
- 11:00 p.m. Monday to 5:00 a.m. Tuesday
- 11:00 p.m. Tuesday to 5:00 a.m. Wednesday
- 11:00 p.m. Wednesday to 5:00 a.m. Thursday
- 11:00 p.m. Thursday to 5:00 a.m. Friday

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

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

(1) When the minor is accompanied by a parent or guardian;

(2) When accompanied by an adult authorized by a parent or guardian of such minor;

(3) When exercising the 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 such 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 such minor's parent has communicated to the Dixie Police Authority the facts establishing such reasonable necessity;

(5) When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk or either next door neighbor who has not communicated an objection to a police officer or the Dixie Police Authority;

(6) When returning home, by a direct route from, and within one hour of the termination of, a school activity, or any activity or a 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 Dixie Police Authority;

(7) When authorized by executive order issued by the Mayor in cases of reasonable necessity involving more minors than may reasonably be dealt with on an individual basis. Such regulation should be issued sufficiently in advance to permit publicity through news media and through other agencies such as the schools. The regulation shall define the activity, the scope of the use of the public assembly, building, place, street, or highway permitted, and the period of time involved not to extend more than one hour beyond the time for termination of the activity, and the reason for finding that such regulation is reasonably necessary. The Mayor shall notify the Dixie Police Authority of the information;

(8) When engaged in a business or occupation which the laws of the state authorize a person under 18 years of age to perform;

(9) When the minor is, with parental consent, in a motor vehicle with a lawfully authorized driver;

(10) 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 direct route, from one location to another either within or out of the city, including all minors that may also be within the vehicle.

(D) (1) A police officer upon finding or being notified of any minor in or upon any public assembly, building, place, 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 a child into custody on a charge of committing an offense. All other provisions of the State Unified Juvenile Code shall apply.

(2) A police officer upon finding or being notified of any minor in or upon any public assembly, building, place, street, or highway whose parent is believed to be in violation of this section shall confront such minor and request such information as his or her name, age, address of his or her parent or legal guardian. (Ord. 3-2-93, passed 4-3-93; Am. Ord. 9-1-94, passed 10-1-94) Penalty, see ' 130.99

' 130.02 DISCHARGING PROJECTILES.

(A) It shall be unlawful for any person to shoot, fire, or discharge any gun, pistol, rifle, shotgun, or any other firearm or any air rifle, BB gun, pellet gun, or similar instrument, or to throw with any slingshot, a leaden bullet, slug, missile, or any other hard substance anywhere within the limits of the city. ('77 Code, ' 7-300)

(B) It shall be unlawful for any person 18 years of age or younger within the limits of this city to have in his possession any of the instruments mentioned in division (A) above. ('77 Code, ' 7-301)

(C) Any instrument found in the violation of this section shall be confiscated and destroyed in accordance with state law. ('77 Code, ' 7-302)
Penalty, see ' 130.99

' 130.03 POSSESSION OR USE OF ALCOHOLIC BEVERAGES BY MINORS PROHIBITED.

No person being the owner, occupant or otherwise having care, custody, or control of any property located in the city shall knowingly allow any person under the age of 21 years to remain on such property while in the possession of any alcoholic beverage or while consuming any alcoholic beverage.

(Ord. 1-1-87, passed 2-3-87) Penalty, see ' 130.99

Cross-reference:

Alcoholic beverages, see Ch. 112

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' 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 635.010 et seq. and a complaint filed against a minor for such a violation shall be proceeded against in accordance with the provisions of KRS 635.010, 635.020, 635.060, 635.070, 635.080, 635.085, and 635.100.

(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 six months or both.
(Ord. 3-2-93, passed 4-3-93)

(B) Whoever violates ' 130.02 shall be fined not more than \$500.

(C) Any person found to be in violation of ' 130.03 shall be fined not more than \$300 or imprisoned for not more than 90 days or both. (Ord. 1-1-87, passed 2-3-87)