

TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES AGAINST CITY REGULATIONS

General Offenses

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Section

- 130.01 Doors to be removed from discarded refrigerators
- 130.02 Curfew for minors

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§ 130.01 DOORS TO BE REMOVED FROM DISCARDED REFRIGERATORS.

No person shall discard any refrigerator within the corporate limits of the city without removing the doors from same.
(Ord. 37, passed 9-9-55) Penalty, see § 10.99

§ 130.02 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.

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

(2) "PARENT." Any person having legal custody of a minor:

- (a) As a natural or adoptive parent;
- (b) As a legal guardian;
- (c) As a person who stands "in loco parentis"; or
- (d) As a person to whom legal custody has been given by order of court.

(3) "REMAIN." To stay behind, to tarry, or to stay unnecessarily upon or in any public assembly, building, place, street or highway.

(4) "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.

(B) (1) It shall be unlawful for any person under the age of 18 to

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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. Saturday to 6:00 a.m. Saturday
 12:00 a.m. Sunday to 6:00 a.m. Sunday
 11:00 p.m. Sunday to 6:00 a.m. Monday
 11:00 p.m. Monday to 6:00 a.m. Tuesday
 11:00 p.m. Tuesday to 6:00 a.m. Wednesday
 11:00 p.m. Wednesday to 6:00 a.m. Thursday
 11:00 p.m. Thursday to 6:00 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) during the time periods contained in division (B)(1) above.

(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 (B)(1) 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 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 said 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 Police Department 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 of either next-door neighbor who has not communicated an objection to a police officer or the Police Department;

(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 said event can be given to any investigating officer of the Police Department;

(7) When authorized by regulation 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 Police Department of said information;

(8) When engaged in a business or occupation which state law authorizes 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 a public 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. 93-0401, passed 5-4-93) Penalty, see § 130.99

§ 130.99 PENALTY.

(A) Violation by a minor of the provisions of § 130.02 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 provision of KRS 635.010, 635.020, 635.060, 635.070, 635.080, 635.085 and 635.100.

(B) Any parent or guardian violating § 130.02 shall be guilty of a Class B Misdemeanor, under Kentucky law, subject to a fine of not more than \$250 and/or imprisonment for a period not to exceed 90 days.

(Ord. 93-0401, passed 5-4-93)

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