

TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES AGAINST MUNICIPAL REGULATIONS

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Section

130.01 Trespassing, cruising in or congregating upon any public way or place prohibited

130.02 Curfew for minors

130.99 Penalty

§ 130.01 TRESPASSING, CRUISING IN OR CONGREGATING UPON ANY PUBLIC WAY OR PLACE PROHIBITED.

(A) It shall be unlawful for any person, alone or with others, while upon any public street, highway or sidewalk, or while upon any premises which are adjacent to or fronting upon any public street, highway or sidewalk or any public place or building, along and/or with others:

(1) To race the motor of any motor vehicle, to suddenly start or stop any such motor vehicle or to make any loud or unseemly noise or to blow or cause to be blown any motor vehicle horn at any time unnecessarily.

(2) To be upon the premises which by posted signs forbid trespassing thereon after business hours.

(3) To operate a motor vehicle in, upon, or from, as to constitute continuous circling (cruising) such premises without parking such vehicle, unless there is no unoccupied parking space available therefor, or to park and leave unoccupied such motor vehicle at such premises in the absence from the premises of the owner or operator of such vehicle, except with the knowledge and consent of the operator of the premises.

(4) Within the meaning of this section when considered in its entirety, groups of three or more persons congregating and lingering at such premises that are posted forbidding trespassing after business hours, or in a legally parked motor vehicle at such premises, shall constitute a presumption of the violation of this section when considered with and in connection with the surrounding circumstances.

(B) It shall be the duty of the operator of the premises located adjacent to or fronting on any public street, highway, or sidewalk or any public place or building who furnishes parking for patrons, who wishes to avail himself of the provisions of this chapter to post on the premises in a conspicuous location one or more signs bearing the following legend: "Trespassing on the premises, cruising in, or congregating and lingering outside of a motor vehicle after business hours is unlawful".

(C) When a person causes or commits any of the conditions enumerated in division (A) of this section, a police officer or law enforcement officer may order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such order shall be guilty of a violation of division (A) of this section.

(Ord. passed 10-3-77) Penalty, see § 130.99

§ 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) **ALLOW.** To either permit or neglect to prevent with actual or constructive knowledge. Knowledge will be presumed if the circumstances be such that a reasonably prudent parent should have known the child was violating this section.

(2) **CITY.** Shall include those areas located within the limits of the city.

(3) **MINOR.** Any person under the age of 18.

(4) **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 place of parents;” or

(d) As a person to whom legal custody had been given by order of court, or by another person or entity with the authority to grant or transfer legal custody.

(5) **REMAIN.** To stay behind, to tarry, or to stay unnecessarily at, 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 at, in or upon any public assembly, building, place, street, or highway within the city at night during the following periods:

11:00 p.m. Friday to 6:00 a.m. Saturday

11:00 p.m. Saturday to 6:00 a.m. Sunday

9:30 p.m. Sunday to 6:00 a.m. Monday

9:30 p.m. Monday to 6:00 a.m. Tuesday

9:30 p.m. Tuesday to 6:00 a.m. Wednesday

9:30 p.m. Wednesday to 6:00 a.m. Thursday

9:30 p.m. Thursday to 6:00 a.m. Friday

(2) It shall be unlawful for any parent of a minor to allow such minor to be or remain at, 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 subsection (1) of this division (B).

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

(1) When the minor is accompanied by a parent.

(2) When the minor is accompanied by an adult who has been authorized by a parent 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 City Police Department in writing the facts establishing such reasonable necessity; if, in the judgment of the highest ranking police officer available at the time of a suspected violation of this section, reasonable necessity is not established, a violation will be determined to have occurred.

(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 City 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 of a religious or other voluntary association, provided that justification indicating the place and time of termination of said event can be given to and verified by any investigating officer of the Police Department.

(7) When engaged in a business or occupation which the laws of Kentucky authorize 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.

(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 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 at, in or upon any public assembly, building, place, street, or highway whose parent is believed to be in violation of this section may stop and question such minor and request such information as his or her name and age and the

name and address of his or her parent, guardian, or person having legal custody.

(2) If the police officer determines or has reasonable cause to believe that a curfew violation has occurred, the police officer may obtain from the minor the information necessary to issue a citation to the minor's parent, and then either take the minor home or direct the minor to proceed immediately to his or her home.

(Ord. 95-6-12, passed 6-12-95; Am. Ord. 2012-87, passed 12-10-12) Penalty, see § 130.01

§ 130.99 PENALTY.

(A) Any person violating any provision of this chapter for which no penalty is otherwise provided shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500. Any such violation shall constitute a separate offense on each successive day continued.

(B) Any parent, guardian, or person having legal custody allowing a minor to violate § 130.02(B)(1) shall be, for the first offense subject to a fine of no more than \$100 and for the second and subsequent offenses shall be subject to a fine of no more than \$500 or imprisonment for a period not to exceed six months or both. (Ord. 95-6-12, passed 6-12-95)