

TITLE 11

MUNICIPAL OFFENSES¹

CHAPTER

1. ALCOHOL.
2. OFFENSES AGAINST THE PEACE AND QUIET.
3. INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL.
4. FIREARMS, WEAPONS AND MISSILES.
5. TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC.
6. MISCELLANEOUS.
7. GAMBLING.
8. LITTER.

CHAPTER 1

ALCOHOL²

SECTION

- 11-101. Drinking beer, etc., on streets, etc.
- 11-102. Minors in beer places.

11-101. Drinking beer, etc., on streets, etc. It shall be unlawful for any person to drink or consume, or have an open can or bottle of beer or intoxicating liquor in or on any public street, alley, avenue, highway, sidewalk, public park, public school ground or other public place unless the place has an appropriate permit and/or license for on premises consumption. (1982 Code, § 10-229)

11-102. Minors in beer places. No person under the age of eighteen (18) shall loiter in or around, work in, or otherwise frequent any place where beer is sold at retail for consumption on the premises. (1982 Code, § 10-223)

¹Municipal code references

Animal control: title 10.

Fireworks and explosives: title 7.

Residential and utility codes: title 12.

Streets and sidewalks (non-traffic): title 16.

Traffic offenses: title 15.

²Municipal code reference

Sale of alcoholic beverages, including beer: title 8.

CHAPTER 2

OFFENSES AGAINST THE PEACE AND QUIET

SECTION

- 11-201. Disturbing the peace.
11-202. Anti-noise regulations.

11-201. Disturbing the peace. No person shall disturb, tend to disturb, or aid in disturbing the peace of others by violent, tumultuous, offensive, or obstreperous conduct, and no person shall knowingly permit such conduct upon any premises owned or possessed by him or under his control. (1982 Code, § 10-202)

11-202. Anti-noise regulations. Subject to the provisions of this section, the creating of any unreasonably loud, disturbing, and unnecessary noise is prohibited. Noise of such character, intensity, or duration as to be detrimental to the life or health of any individual, or in disturbance of the public peace and welfare, is prohibited.

(1) Miscellaneous prohibited noises enumerated. The following acts, among others, are declared to be loud, disturbing, and unnecessary noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(a) Blowing horns. The sounding of any horn or signal device on any automobile, motorcycle, bus, truck, or vehicle while not in motion except as a danger signal if another vehicle is approaching, apparently out of control, or if in motion, only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for an unnecessary and unreasonable period of time.

(b) Radios, phonographs, etc. The playing of any radio, phonograph, or any musical instrument or sound device, including but not limited to loudspeakers or other devices for reproduction or amplification of sound, either independently of or in connection with motion pictures, radio, or television, in such a manner or with such volume, particularly during the hours between 11:00 P.M. and 7:00 A.M., as to annoy or disturb the quiet, comfort, or repose of persons in any office or hospital, or in any dwelling, hotel, or other type of residence, or of any person in the vicinity.

(c) Yelling, shouting, etc. Yelling, shouting, whistling, or singing on the public streets, particularly between the hours of 11:00 P.M. and 7:00 A.M., or at any time or place so as to annoy or disturb the

quiet, comfort, or repose of any person in any hospital, dwelling, hotel, or other type of residence, or of any person in the vicinity.

(d) Pets. The keeping of any animal, bird, or fowl which by causing frequent or long continued noise shall disturb the comfort or repose of any person in the vicinity.

(e) Use of vehicle. The use of any automobile, motorcycle, truck, or vehicle so out of repair, so loaded, or in such manner as to cause loud and unnecessary grating, grinding, rattling, or other noise.

(f) Blowing whistles. The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of fire or danger, or upon request of proper city authorities.

(g) Exhaust discharge. To discharge into the open air the exhaust of any steam engine, stationary internal combustion engine, motor vehicle, or boat engine, except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.

(h) Building operations. The erection (including excavation), demolition, alteration, or repair of any building in any residential area or section or the construction or repair of streets and highways in any residential area or section, other than between the hours of 7:00 A.M. and 6:00 P.M. on week days, except in case of urgent necessity in the interest of public health and safety, and then only with a permit from the building inspector granted for a period while the emergency continues not to exceed thirty (30) days. If the building inspector should determine that the public health and safety will not be impaired by the erection, demolition, alteration, or repair of any building or the excavation of streets and highways between the hours of 6:00 P.M. and 7:00 A.M., and if he shall further determine that loss or inconvenience would result to any party in interest through delay, he may grant permission for such work to be done between the hours of 6:00 P.M. and 7:00 A.M. upon application being made at the time the permit for the work is awarded or during the process of the work.

(i) Noises near schools, hospitals, churches, etc. The creation of any excessive noise on any street adjacent to any hospital or adjacent to any school, institution of learning, church, or court while the same is in session.

(j) Loading and unloading operations. The creation of any loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates, and other containers.

(k) Noises to attract attention. The use of any drum, loudspeaker, or other instrument or device emitting noise for the purpose of attracting attention to any performance, show, or sale or display of merchandise.

(l) Loudspeakers or amplifiers on vehicles. The use of mechanical loudspeakers or amplifiers on trucks or other moving or standing vehicles for advertising or other purposes.

(2) Exceptions. None of the terms or prohibitions hereof shall apply to or be enforced against:

(a) City vehicles. Any vehicle of the city while engaged upon necessary public business.

(b) Repair of streets, etc. Excavations or repairs of bridges, streets, or highways at night, by or on behalf of the city, the county, or the state, when the public welfare and convenience renders it impracticable to perform such work during the day.

(c) Noncommercial and nonprofit use of loudspeakers or amplifiers. The reasonable use of amplifiers or loudspeakers in the course of public addresses which are noncommercial in character and in the course of advertising functions sponsored by nonprofit organizations. However, no such use shall be made until a permit therefor is secured from the recorder. Hours for the use of an amplifier or public address system will be designated in the permit so issued and the use of such systems shall be restricted to the hours so designated in the permit.
(1982 Code, § 10-233)

CHAPTER 3

INTERFERENCE WITH PUBLIC OPERATIONS AND PERSONNEL

SECTION

- 11-301. Impersonating a government officer or employee.
- 11-302. False emergency alarms.

11-301. Impersonating a government officer or employee. No person other than an official police officer of the city shall wear the uniform, apparel, or badge, or carry any identification card or other insignia of office like or similar to, or a colorable imitation of that adopted and worn or carried by the official police officers of the city. Furthermore, no person shall deceitfully impersonate or represent that he is any government officer or employee. (1982 Code, § 10-211)

11-302. False emergency alarms. It shall be unlawful for any person intentionally to make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or to aid or abet in the commission of such act. (1982 Code, § 10-218)

CHAPTER 4

FIREARMS, WEAPONS AND MISSILES

SECTION

11-401. Air rifles, etc.

11-402. Weapons and firearms generally.

11-401. Air rifles, etc. It shall be unlawful for any person in the city to discharge any air gun, air pistol, air rifle, "BB" gun, or sling shot capable of discharging a metal bullet or pellet, whether propelled by spring, compressed air, expanding gas, explosive, or other force-producing means or method. (1982 Code, § 10-213)

11-402. Weapons and firearms generally. It shall be unlawful for any unauthorized person to discharge a firearm within the municipality. (1982 Code, § 10-212, modified)

CHAPTER 5

TRESPASSING, MALICIOUS MISCHIEF AND INTERFERENCE WITH TRAFFIC

SECTION

- 11-501. Trespassing.
- 11-502. Trespassing on trains.
- 11-503. Interference with traffic.

11-501. Trespassing. The owner or person in charge of any lot or parcel of land or any building or other structure within the corporate limits may post the same against trespassers. It shall be unlawful for any person to go upon any such posted lot or parcel of land or into any such posted building or other structure without the consent of the owner or person in charge.

It shall be unlawful and deemed to be a trespass for any peddler, canvasser, solicitor, transient merchant, or other person to fail to leave promptly the private premises of any person who requests or directs him to leave. (1982 Code, § 10-226)

11-502. Trespassing on trains. It shall be unlawful for any person to climb, jump, step, stand upon, or cling to, or in any other way attach himself to any locomotive engine or railroad car unless he works for the railroad corporation and is acting in the scope of his employment or unless he is a lawful passenger or is otherwise lawfully entitled to be on such vehicle. (1982 Code, § 10-222)

11-503. Interference with traffic. It shall be unlawful for any person to stand, sit, or engage in any activity whatever on any public street, sidewalk, bridge, or public ground in such a manner as to prevent, obstruct, or interfere unreasonably with the free passage of pedestrian or vehicular traffic thereon. (1982 Code, § 10-232)

CHAPTER 6

MISCELLANEOUS

SECTION

- 11-601. Caves, wells, cisterns, etc.
- 11-602. Posting notices, etc.
- 11-603. Curfew for minors.
- 11-604. Wearing masks.

11-601. Caves, wells, cisterns, etc. It shall be unlawful for any person to permit to be maintained on property owned or occupied by him any cave, well, cistern, or other such opening in the ground which is dangerous to life and limb without an adequate cover or safeguard. (1982 Code, § 10-231)

11-602. Posting notices, etc. No person shall fasten, in any way, any show-card, poster, or other advertising device upon any public or private property unless legally authorized to do so. (1982 Code, § 10-227)

11-603. Curfew for minors. (1) In general. It shall be unlawful for any minor to remain, idle, wander, stroll, or play in any public place on foot or to cruise about without a set destination in any vehicle in, about, or upon any place in the city between the hours of 11:00 P.M. and 6:00 A.M., Sunday through Thursday and between the hours of 12:00 P.M. and 6:00 A.M. Friday through Saturday unless accompanied by a parent, guardian, custodian, or other adult person having custody or control of such minor or unless the minor is on an emergency errand or specific business or activity directed or permitted by his parent, guardian, or other adult having the care and custody connected with or required by some legitimate employment, trade, profession, or occupation.

(2) Responsibility of owners of public places. It shall be unlawful for any person, firm, or corporation operating or having charge of any public place knowingly to permit or suffer the presence of minors under the age of eighteen (18) between the hours of 12:00 P.M. and 6:00 A.M.

(3) Parents' responsibility. It shall be unlawful for the parent, guardian, or other adult person having custody or control of any minor under the age of eighteen (18) to suffer or permit or by inefficient control to allow such person to be on the streets or sidewalks or on or in any public property or public place within the city between the hours of 12:00 P.M. and 6:00 A.M. However, the provisions of this section do not apply to a minor accompanied by his parent, guardian, custodian, or other adult person having the care, custody, or control of the minor, or if the minor is on an emergency errand or specific business or activity directed by his parent, guardian, custodian, or other adult person herein has made a missing person notification to the police department.

(4) Special functions. Any minor attending a special function or entertainment of any church, school, club, or other organization that requires such minor to be out at a later hour than that called for in subsection (1) shall be exempt from the provisions provided the church, school, club, or other organization registers in advance with the chief of police or his agent to have the minors stay out to this later hour. The registrant shall state the time the function or entertainment shall end, and the minors who attend the function shall be required to be in their homes or usual places of abode within one-half (1/2) hour after the function is ended.

(5) Procedures. (1) Any police officer upon finding a minor in violation of subsection (1) shall ascertain the name and address of such minor and warn the minor that he is in violation of curfew and shall direct the minor to proceed at once to his or her home or usual place of abode. The police officer shall report such action to the chief of the police department who in turn shall notify the parents, guardian, or person having custody or control of such minor.

(2) If such minor refuses to heed such warning or direction by any police officer or refuses to give such police officer his correct name and address, or if the minor has been warned on a previous occasion that he or she is in violation of curfew, he or she shall be taken to the police department and the parent, guardian, or other adult person having the care and custody of such minor shall be notified to come and take charge of the minor. If the parent, guardian, or other adult person above cannot be located or fails to come and take charge of the minor, the minor shall be released to the juvenile authorities. (1982 Code, § 10-215)

11-604. Wearing masks. It shall be unlawful for any person to appear on or in any public way or place while wearing any mask, device, or hood whereby any portion of the face is so hidden or covered as to conceal the identity of the wearer. The following are exempted from the provisions of this section:

- (1) Children under the age of ten (10) years.
- (2) Workers while engaged in work wherein a face covering is necessary for health and/or safety reasons.
- (3) Persons wearing gas masks in civil defense drills and exercises or emergencies.
- (4) Any person having a special permit issued by the city recorder to wear a traditional holiday costume. (1982 Code, § 10-235)

CHAPTER 7

GAMBLING

SECTION

11-701. Gambling.

11-702. Promotion of gambling.

11-701. Gambling. It shall be unlawful for any person to play at any game of hazard or chance for money or other valuable thing or to make or accept any bet or wager for money or other valuable thing. (1982 Code, § 10-216)

11-702. Promotion of gambling. It shall be unlawful for any person to encourage, promote, aid, or assist the playing at any game, or the making of any bet or wager, for money or other valuable thing, or to possess, keep, or exhibit for the purpose of gambling, any gaming table, device, ticket, or any other gambling paraphernalia. (1982 Code, § 10-217)

CHAPTER 8

LITTER

SECTION

- 11-801. Title.
- 11-802. Definitions.
- 11-803. Throwing of litter.
- 11-804. Sweeping litter into gutters, etc., prohibited.
- 11-805. Litter thrown by persons in vehicles.
- 11-806. Owner, etc., to maintain premises free of litter.
- 11-807. Removal of out-of-date placards.
- 11-808. Violation notices.
- 11-809. Violations.

11-801. Title. This chapter shall be known and may be cited as the "Anti-litter Ordinance." (1982 Code, § 8-501)

11-802. Definitions. For the purposes of this chapter, the following words, terms, and phrases shall have the following meanings:

(1) "Litter" is paper, wrappings, garbage, food, junk, cardboard, bottles, tin cans, glass, and other refuse materials, and out-of-date posters, placards, and advertisements.

(2) "Person" is any person, firm, partnership, association, company, or organization of any kind. (1982 Code, § 8-502)

11-803. Throwing of litter. No person shall throw or deposit litter in or upon any street, sidewalk, or other public place within the city except in public trash receptacles, and no person shall throw or deposit litter upon private property. (1982 Code, § 8-503)

11-804. Sweeping litter into gutters, etc., prohibited. No person shall sweep into or deposit in any gutter, street, or other public place within the city the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying business property shall keep the public sidewalk in front of their premises free of litter. (1982 Code, § 8-504)

11-805. Litter thrown by persons in vehicles. No person while a driver or a passenger in a vehicle, shall throw or deposit litter upon any street or other public place within the city, or upon private property. (1982 Code, § 8-505)

11-806. Owner, etc., to maintain premises free of litter. The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this section shall not prohibit the storage of litter in authorized private receptacles for collection. (1982 Code, § 8-506)

11-807. Removal of out-of-date placards. The owner or person in control of business property shall at all times keep all store windows and display space free of advertisements, posters, and placards advertising events that have previously taken place. (1982 Code, § 8-507)

11-808. Violation notices. The chief of police or his authorized agent is hereby authorized and empowered to notify the owner or person in control of property, or the agent of such owner or person in control, of any violation of the provisions of this chapter. Such notice shall be mailed to such person's last known address. Provided, however, that failure to send any such notice shall not prevent the invoking of the penalty provisions of this chapter. (1982 Code, § 8-508)

11-809. Violations. Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in accordance with the general penalty clause of this code of ordinances. (1982 Code, § 8-509)