

TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES AGAINST PROPERTY

131. OFFENSES AGAINST PUBLIC PEACE AND SAFETY

CHAPTER 130: OFFENSES AGAINST PROPERTY

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pipe, or tube with or to any part of the waterworks system operated by the town, without first receiving a permit from the Department of Waterworks so to do; or in any other manner to injure or interfere with the water supply of the town, or any apparatus pertaining thereto, or to leave the water supply running when not necessary.

(Ord. 4-6-70, passed 4-6-1970) Penalty, see § 130.99

§ 130.01 DAMAGING PROPERTY.

(A) It shall be unlawful for any person to maliciously or mischievously damage, injure, cut, mar, deface, or destroy any public building, fountain, statue, tree, grass or shrubbery, sewer, water pipe, hydrant, sign, signal or other town property, whether real or personal; nor shall any person break, injure or destroy any street bulbs, lamps, posts or appendages.

(B) With respect to property owned by others, it shall be unlawful for any person to maliciously or mischievously injure or destroy any private building or other edifice, whether occupied or not, or any building or structure under construction, or any private shade or ornamental trees planted in any yard or public ground within the town; nor shall any person so injure or destroy any other real property or personal property whatsoever.

(Ord. 4-6-70, passed 4-6-1970) Penalty, see § 130.99

§ 130.02 NO TAMPERING WITH HYDRANTS.

It shall be unlawful for any person to tamper with or open or close any valve, or to connect any hose,

§ 130.03 NO TAMPERING WITH LIGHTS.

It shall be unlawful for any person, without proper authority, to put out or extinguish any street light or to turn off the electricity supplying the same.

(Ord. 4-6-70, passed 4-6-1970) Penalty, see § 130.99

§ 130.04 THROWING OBJECTS ON ATHLETIC FIELDS.

No person shall throw, drop, or place upon any baseball park, athletic field, gymnasium, stadium or other place where games are played, any object or article which impedes or interferes with any game in progress or with the safety of players and officials engaged in the game.

(Ord. 4-6-70, passed 4-6-1970) Penalty, see § 130.99

§ 130.05 INJURING OR OBSTRUCTING PUBLIC IMPROVEMENTS.

It shall be unlawful for any person to hinder, obstruct, injure or tear up any pavement, sidewalk, crosswalk, drain, sewer or any other public improvement without first obtaining proper authority

from the Town Board or the person they designate to give that authority.

(Ord. 4-6-70, passed 4-6-1970) Penalty, see § 130.99

§ 130.06 ADVERTISING MATTER.

(A) It shall be unlawful for any person to distribute or cause to be distributed in the town, any printed or written commercial handbill or any printed or written commercial advertising matter, in any form, by placing or causing the same to be placed in or on any automobile, or in any yard, or on any porch or lawn, or in or next to any mailbox or on any door handle in the town, not in possession or under the control of the person distributing the same, unless express permission is granted to that person by the owner or occupant of any automobile, yard, porch, lawn, mailbox, hall or vestibule, or door; provided, however, that the provision of this section shall not be deemed to apply to the distribution of any newspaper, nor to any publication which prints news articles or stories of a general nature and has advertising space therein open to the public, and which publishes general advertising matter therein.

(B) It shall be unlawful for any person to circulate, distribute or scatter any advertising matter from the air over the town.

(Ord. 4-6-70, passed 4-6-1970) Penalty, see § 130.99

§ 130.07 REPORT OF FIRE LOSSES.

It shall be the duty of every person who is the owner, lessee, occupant or manager of any property to report all fire losses to the Fire Department, Marshal or other designated authority of the town within 48 hours after the loss occurs when the amount of the damage sustained exceeds \$50.

(Ord. 4-6-70, passed 4-6-1970) Penalty, see § 130.99

§ 130.99 PENALTY.

Any person violating any provision of this chapter shall, upon conviction thereof, be fined in any sum not more than \$100.

(Ord. 4-6-70, passed 4-6-1970)

CHAPTER 131: OFFENSES AGAINST PUBLIC PEACE AND SAFETY

Section

General Provisions

- 131.01 Disorderly conduct
- 131.02 Congregating in public places
- 131.03 Interference with officials
- 131.04 Abuse of police or Town Marshal
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approaching any person of the opposite sex unknown to that person and by word, sign or gesture attempting to speak to or become acquainted with that person against his or her will except in the transaction of legitimate business.

(B) It shall be unlawful for any person or persons within the town by any loud or unnecessary talking or shouting or by any threatening, abusive, profane or obscene language or violent action, or by any other rude behavior, to interrupt, molest, annoy or disturb any group or meeting of persons met together for any lawful purpose.
(Ord. 5-4-70, passed 5-4-1970) Penalty, see § 131.99

Curfew

- 131.20 Purpose
- 131.21 Definitions
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§ 131.02 CONGREGATING IN PUBLIC PLACES.

It is unlawful for any person to congregate or cause to be congregated a crowd of 3 or more persons upon any public street, alley, sidewalk, parking lot, school or school grounds, building or any other public place within the town for the purpose of or so as the affect to obstruct the same or as to hinder or annoy passers-by or occupants of adjacent premises, or as to interfere with the activities normally carried on the premises.
(Ord. 5-4-70, passed 5-4-1970) Penalty, see § 131.99

GENERAL PROVISIONS

§ 131.01 DISORDERLY CONDUCT.

(A) It is unlawful for any person or persons to disturb the peace and quiet of the town or of its inhabitants by loud talking or by the making of unusual noises, by the crying of any alarm without good cause, by threatening any person or challenging him or her to fight or menacing him or her with physical injury or pecuniary loss, or by accosting or

§ 131.03 INTERFERENCE WITH OFFICIALS.

It shall be unlawful for any person or persons to intentionally impede or interfere, or attempt to impede or interfere with any police officer, firefighter or any other town official in the performance of his or her

duty or emergency functions as a firefighter, police officer or town official.

(Ord. 5-4-70, passed 5-4-1970) Penalty, see § 131.99

§ 131.04 ABUSE OF POLICE OR TOWN MARSHAL.

It shall be unlawful for any person or persons to abuse, interfere with or resist any police officer of the town while the police officer shall be in the discharge of his or her duties.

(Ord. 4-6-70, passed 4-6-1970) Penalty, see § 131.99

§ 131.05 UNLAWFUL ACTS CONCERNING FIRES.

It shall be unlawful for any person to do the following acts:

(A) To give or cause to be given any false alarm of fire involving any church, public building, theater, gymnasium, showroom or other place where people congregate, while the same is being occupied by any persons, by alarm system or otherwise;

(B) To delay or obstruct any fire engine, apparatus or equipment or any firefighter in the discharge of his or her duty so as to impede response to any bona fide emergency call;

(C) To take any lighted cigarette, cigar, pipe, fuse, candle, lantern or other lighted object into any building storage area or other place within the town where inflammable material is known to be, or where a sign is posted warning persons of possible danger from such lighted objects;

(D) To throw firebrands, fireballs or any other ignited substance;

(E) To make or cause to be made a bonfire on any public street or sidewalk within the town;

(F) To make or cause a fire to be made for the purpose of burning waste materials, except that such fires may be burned between sunrise and sunset if a suitable fire burner, so constructed as to prevent the escape of burning material or spark which might endanger surrounding property, is used;

(1) Provided, no such fire shall be permitted within 30 feet of any building nor within 200 feet of any flammable liquid accumulation or storage;

(2) Provided further, that the burning does not violate the air pollution code.

(Ord. 4-6-70, passed 4-6-1970) Penalty, see § 131.99

§ 131.06 DISCHARGE OF FIREARMS; AIR AND SPRING GUNS.

(A) It shall be unlawful for any person to fire or discharge any gun, pistol, cannon or other firearm within the town, except within the confines of a duly approved shooting range.

(B) The restrictions of this section shall not apply to the use of or discharge of any gun loaded with blank cartridges when used in athletic contests.

(C) It shall be unlawful for any person to point, aim, or discharge at any person any toy firearm, air rifle, toy cannon or other gun that discharges projectiles either by air, spring, explosive or any other force.

(Ord. 4-6-70, passed 4-6-1970) Penalty, see § 131.99

§ 131.07 DISTURBING PUBLIC LIBRARIES.

No person shall talk in a loud or boisterous manner or make any unnecessary noise or disturb the quiet of any public library or similar buildings.

(Ord. 4-6-70, passed 4-6-1970) Penalty, see § 131.99

§ 131.08 RAG PICKING.

It shall be unlawful for any person to engage in the occupation of paper or rag picking or general junking by hand cart, automobile, or other vehicle before the hour of 8:00 a.m. or after the hour of 6:00 p.m.; provided, that no rag picking or junking as in this section provided shall be permitted at any time of the day or night on Sundays or legal holidays. (Ord. 4-6-70, passed 4-6-1970) Penalty, see § 131.99

§ 131.09 REGULATED USES OF PUBLIC STREETS, SIDEWALKS AND RIGHTS-OF-WAY.

No person shall ride or otherwise operate a skateboard, roller skate, scooter or roller blade on the public streets, public sidewalks or public rights-of-way of the town in the areas shown on the attachment, labeled Exhibit 1, of Ordinance 2002-01. (Ord. 2002-01, passed 4-18-2002) Penalty, see § 131.99

CURFEW

§ 131.20 PURPOSE.

The purpose of this subchapter is to promote the general welfare and protect the general public through the reduction of juvenile violence within the town; to protect both real and personal property within the town from continuing juvenile mischief activity; to promote the safety and well-being of the town's youngest citizens, persons under the age of 18, whose inexperience renders them particularly vulnerable to becoming participants in unlawful activities, particularly unlawful drug activities, and to being victimized by older perpetrators of crime; and to promote, foster and strengthen parental responsibility for children. (Ord. 2000-8, passed 12-21-2000)

§ 131.21 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CURFEW HOURS. The hours between 1:00 a.m. and 5:00 a.m. on Saturday or Sunday; after 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or before 5:00 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.

EMERGENCY. Unforeseen circumstances, or the status or condition resulting therefrom, which require immediate action to safeguard life, limb or property. The term includes, but is not limited to fires, natural disasters, automobile accidents or other similar circumstances.

ESTABLISHMENT. Any privately-owned place of business within the town operated for a profit, to which the public is invited, including, but not limited to any place of amusement or entertainment. With respect to such establishment, the term ***OPERATOR*** shall mean any person, and any firm, association, partnership (and the individual members or partners thereof) and/or any corporation (and the individual officers thereof) conducting or managing that establishment.

MINOR. Any person under 18 years of age who has not been emancipated by Court order pursuant to the law of the State of Indiana.

OFFICER. A police or other law enforcement officer charged with the duty of enforcing the laws of the state and/or the ordinances of the town.

PERSON. An individual, not an association, corporation or any other legal entity.

PUBLIC PLACE. Any place to which the public or a substantial group of the public has access, including, but not limited to streets, highways, roads, sidewalks, alleys, avenues, parks and/or the common areas of schools, hospitals, apartment houses, office buildings and shops. (Ord. 2000-8, passed 12-21-2000)

§ 131.22 OFFENSES.

(A) It shall be unlawful for a minor, during curfew hours, to remain in or upon any public place within the town, to remain in any motor vehicle operating or parked therein or thereon, or to remain in or upon the premises of any establishment within the town, unless:

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

(2) The minor is involved in an emergency;

(3) The minor is engaged in an employment activity, or is going to or returning home from that activity, without detour or stop;

(4) The minor is on the sidewalk directly abutting a place where he or she resides with a parent or guardian;

(5) The minor is attending any activity sponsored by a school, religious or civic organization or agency, or by another similar organization or entity, which activity is supervised by adults, and/or the minor is going to or returning home from the activity without detour or stop;

(6) The minor is on errand at the direction of a parent or guardian, and the minor has in his or her possession a writing signed by the parent or guardian containing the following information: the name, signature, address and telephone number of the parent or guardian authorizing the errand, the name of the minor, the minor's destination, and the date and time that the minor is authorized to be engaged in the errand;

(7) The minor is involved in interstate travel through, or beginning or terminating in the town; or

(8) The minor is 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.

(B) It shall be unlawful for a minor's natural parent, adoptive parent, foster parent or stepparent of another person, or a person to whom legal custody has been given by court order, to knowingly permit, allow or encourage a minor to violate this section.

(C) It shall be unlawful for a person who is the owner or operator of a motor vehicle to knowingly permit, allow or encourage a minor to violate this section.

(D) It shall be unlawful for the operator of an establishment, or any person who is an employee thereof, to knowingly permit, allow or encourage a minor to remain upon the premises of the establishment during curfew hours. It shall be a defense to prosecution of this section that the operator or employee of an establishment promptly notified the Police Department that a minor was present at the establishment after curfew hours and refused to leave.

(E) It shall be unlawful for any person (including a minor) to give false name, address or telephone number to any officer investigating a possible violation of this section.

(Ord. 2000-8, passed 12-21-2000) Penalty, see § 131.99

§ 131.23 ENFORCEMENT.

(A) Before taking any enforcement action hereunder, an officer shall make an immediate investigation for the purpose of ascertaining whether or not the presence of a minor in a public place, motor vehicle and/or establishment within the town during curfew hours is in violation of this subchapter.

(B) If investigation reveals that the presence of the minor is in violation, then the officer shall issue a written citation to the minor or offender, charging him or her with violation of this subchapter. The officer shall provide a copy of the same to the Town Attorney and the Town Attorney may consider further civil prosecution.

(C) Further, as soon as practicable, the officer shall advise the minor's parent or guardian of the alleged violation. If a parent or guardian is not immediately available, the officer shall issue a written advisement to be mailed by the Police Department. (Ord. 2000-8, passed 12-21-2000) Penalty, see § 131.99

§ 131.99 PENALTY.

(A) *General.* Any person violating any provision of this chapter or any order made by the Town Board in accordance with the terms of this chapter, unless otherwise specified, shall be punished by a fine of not more than \$100. (Ord. 4-6-70, passed 4-6-1970; Am. Ord. 5-4-70, passed 5-4-1970)

(B) *Violations of § 131.09.*

(1) *Warning; injunction.*

(a) Any person found in violation of § 131.09 shall be given a courtesy warning. Violations occurring after this warning shall be subject to a fine in the sum of \$35 for each violation.

(b) Additionally, any person who is in violation of this section may be subject to a suit for injunction. The Town Attorney is authorized to bring any enforcement action for injunctive relief through the Circuit Court, and the town shall be entitled to recover attorney fees and costs as assessed at the discretion of the Court against the offending parties.

(2) *Immunity from prosecution.* The town and its designees, the Town Marshal and all other departments and agencies, and all other town officers, agents and employees charged with enforcement of state and local laws and codes, shall be immune from prosecution, civil or criminal, for reasonable, good-faith enforcement of § 131.09 while acting within the scope of authority conferred by that section. (Ord. 2002-01, passed 4-18-2002)

(C) *Violations of §§ 131.20 through 131.23.*

(1) Anyone who violates any provisions of §§ 131.20 through 131.23 shall be fined not less than \$25 for the first offense, and \$50 for each violation of this subchapter which occurs within 90 days of any other admitted violation or conviction of a violation under this subchapter.

(2) Upon admission or conviction the matter and circumstances shall be referred by this town's Police Department to the appropriate juvenile authorities of the town for such additional attention as is warranted under applicable authority. (Ord. 2000-8, passed 12-21-2000)

