

**CHAPTER 136: OFFENSES AGAINST PUBLIC ORDER**

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Section

- 136.01 Discharge of weapons and explosives
- 136.02 Curfew for minors
- 136.03 References to statutory offenses

**§ 136.01 DISCHARGE OF WEAPONS AND EXPLOSIVES.**

It shall be unlawful to discharge any firearm or airgun, beebee gun, or any other toy gun projecting lead or any missiles, or to set off any preparation of gunpowder or other explosives; provided that this section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his duty, nor to any citizen from discharging a firearm when lawfully defending person or property.

Penalty, see § 10.99

(Ord. 2-96, passed 3-4-96)

**§ 136.02 CURFEW FOR MINORS.**

(A) DEFINITIONS.

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

"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.

"CITY OF LAGRANGE, KENTUCKY," or "CITY", shall include those areas located inside of the limits of said City.

"MINOR." Any person under the age of 18.

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

- (1) as a natural or adoptive parent; or,
- (2) as a legal guardian; or,
- (3) as a person who stands "in place of parents"; or
- (4) as person to whom legal custody had been given by Order of Court, or by another person(s) or entity with the authority to grant or transfer legal custody.

(Ord. 2-96, passed 3-4-96)

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

(B) CURFEW VIOLATION.

(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 with the City of LaGrange at night during the following periods:

1:00 a.m. to 6:00 a.m. Saturday

1:00 a.m. 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 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 subsection (c) during the time periods contained in subsection (1) of this paragraph (B).

(Ord. 2-96, passed 3-4-96)

(C) EXCEPTIONS.

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 subsection (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 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 ordinance, 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 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 an 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.

(Ord. 2-96, passed 3-4-96)

(D) POLICE AUTHORITY.

(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 Ordinance 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. 2-96, passed 3-4-96)

(E) PENALTY.

Any parent, guardian, or person having legal custody allowing a minor to violate section B (1) shall be, for the first offense, subject to a fine of no more than \$100.00 and for the second and subsequent offenses shall be subject to a fine of no more than \$500.00 or imprisonment for a period not to exceed six months or both.

(Ord. 2-96, passed 3-4-96)

## § 136.03 REFERENCES TO STATUTORY OFFENSES.

### **EDITOR'S NOTE:**

*This section contains references to those sections of the Kentucky Revised Statutes which prohibit the most common offenses against public order. These citations are intended only as convenient references for enforcement officers in citing offenders under state law. It is not the intention of the municipality to incorporate such statutory provisions in this code of ordinances, and such provisions are specifically not incorporated by reference.*

<b>OFFENSE</b>	<b>KRS SECTION</b>	<b>PENALTY CLASS</b>
ABUSE OF CORPSE	525.120	A misdemeanor
CRUELTY TO ANIMALS		
First degree	525.125	D felony
Second degree	525.130	A misdemeanor
DESECRATION OF VENERATED OBJECTS	525.105	C felony
	525.110	A misdemeanor
DISORDERLY CONDUCT	525.060	B misdemeanor
DISRUPTING MEETINGS OR PROCESSIONS	525.150	B misdemeanor
EAVESDROPPING AND RELATED OFFENSES		
Divulging illegally obtained information	526.060	A misdemeanor
Eavesdropping	526.020	D felony
Installing eavesdropping device	526.030	D felony
Possessing eavesdropping device	526.040	A misdemeanor
Tampering with private communications	526.050	A misdemeanor
FAILURE TO DISPERSE	525.160	B misdemeanor
FIREARMS AND WEAPONS		
(Editor's note: KRS 65.870 prohibits any city from regulating the transfer, ownership, possession, carrying, or transportation of firearms, ammunition, or components of firearms or combinations thereof.)		
HARASSING COMMUNICATIONS	525.080	B misdemeanor
HARASSMENT	525.070	VA misdemeanor iolation
INCITING TO RIOT	525.040	
LOITERING	525.090	Violation
OBSTRUCTING HIGHWAY OR PUBLIC PASSAGE	525.140	B misdemeanor
PUBLIC INTOXICATION	525.100	B misdemeanor
RIOT		

First degree	525.020	D felony
Second degree	525.030	A misdemeanor
UNLAWFUL ASSEMBLY	525.050	B misdemeanor

Penalty, see Ch. 139