

CHAPTER 130: GENERAL OFFENSES

Section

Unlawful Loitering

- 130.01 Definition
- 130.02 General prohibition
- 130.03 Prohibition on private property
- 130.04 Enforcement

Sling Shots and Air Rifles

- 130.15 Use and discharge prohibited

Curfew

- 130.25 Violations
- 130.26 Exceptions
- 130.27 Effective date

Littering; Expectations

- 130.40 Prohibitions
- 130.41 Enforcement

Firearms; Explosives

- 130.55 Prohibitions
- 130.56 Exceptions

Contributing to Delinquency of Minors

- 130.70 Definitions
- 130.71 Prohibition
- 130.72 Jurisdictions
- 130.73 Investigations
- 130.74 Misdemeanors

- 130.99 Penalty

UNLAWFUL LOITERING**§ 130.01 DEFINITION.**

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

LOITER.

- (1) Dawdle;
- (2) Be dilatory;
- (3) Delay;
- (4) Linger;
- (5) Saunter; and

(6) Stand or spend time idly. It may include remaining idle in one location, including walking around aimlessly and sitting or standing in or out of a motor vehicle.
(Prior Code, Ch. 9.16, § I) (Ord. 1-1992, passed 8-19-1992)

§ 130.02 GENERAL PROHIBITION.

(A) No person shall loiter in a place, at a time or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity.

(B) Among the circumstances which may be considered in determining whether the alarm is warranted is the fact that the actor takes flight upon appearance of a peace officer, refuses to identify himself or herself or manifestly endeavors to conceal himself, herself or any object. Unless flight be the actor or other circumstances makes it impracticable, a peace officer shall, prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted, by requesting him or her to identify himself or herself and explain his or her presence and conduct.

(C) No person shall be convicted of an offense under this section if the peace officer did not comply with the preceding sentence or if it appears at trial that the explanation given by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm.
(Prior Code, Ch. 9.16, § II) (Ord. 1-1992, passed 8-19-1992) Penalty, see § 130.99

§ 130.03 PROHIBITION ON PRIVATE PROPERTY.

(A) No person shall loiter on private property that is customarily used by the public as an integral part of a commercial venture in such manner as to:

(1) Disturb the peace as defined by state law;

(2) Obstruct the free passage of pedestrians or vehicles; and/or

(3) Obstruct or interfere with any person lawfully seeking access or the use of the commercial enterprise conducted on the property or adjacent or continuous to the private property.

(B) No person shall be considered to have violated this section unless:

(1) The property owner or tenant shall post the property with NO LOITERING slips or other notices of like meaning at the entrance or entrances to the property and at intervals of not less than 50 feet on the property; and/or (Property of 50 feet or less may contain only one slip.)

(2) The person to be charged with loitering has been asked by the owner or tenant of the property, by an employee of the owner or tenant, by a security officer or by a law enforcement officer, to leave the property and has failed to leave.

(Prior Code, Ch. 9.16, § III) (Ord. 1-1992, passed 8-19-1992)

§ 130.04 ENFORCEMENT.

This subchapter shall be in full force and effect from and after its passage by the Town Council and appropriate publication pursuant to I.C. 5-3-1-2 and shall be enforced by the Ordinance Violations Bureau, established by Ord. 3-1990, upon the terms and conditions set forth therein.

(Prior Code, Ch. 9.16, § VII) (Ord. 1-1992, passed 8-19-1992)

SLING SHOTS AND AIR RIFFLES**§ 130.15 USE AND DISCHARGE PROHIBITED.**

It is hereby prohibited for any person to:

(A) Shoot, flip or throw, with a sling shot or flipper, along, across or upon any public place, within the corporate limits of the town; and/or

(B) Fire or discharge a BB gun, pellet gun, air riffle or any similar device within the corporate limits of the town.

(Prior Code, § 9.08.010) (Ord. 102, passed 5-25-1897) Penalty, see § 130.99

CURFEW

§ 130.25 VIOLATIONS.

(A) It shall be a curfew violation for a child 15, 16 or 17 years of age to be in a public place:

(1) Between 12:00 a.m. and 5:00 a.m. on Saturday or Sunday;

(2) After 10:00 p.m., Sunday, Monday, Tuesday, Wednesday or Thursday; or

(3) Before 5:00 a.m. on Monday, Tuesday, Wednesday or Thursday or Friday.

(Prior Code, Ch. 9.04, § I)

(B) It is a curfew violation for a child under 15 years of age to be in a public place after 10:00 p.m. or before 5:00 a.m. on any day.

(Prior Code, Ch. 9.04, § II)

(Ord. 4-1994, passed 11-16-1994) Penalty, see § 130.99

§ 130.26 EXCEPTIONS.

This subchapter does not apply to a child who is:

(A) Accompanied by his or her parent, guardian or custodian;

(B) Accompanied by an adult specified by his or her parent, guardian or custodian; or

(C) Participating in, going to or returning from:

(1) Lawful employment;

(2) A school sanctioned activity; and

(3) A religious event.

(Prior Code, Ch. 9.04, § III) (Ord. 4-1994, passed 11-16-1994)

§ 130.27 EFFECTIVE DATE.

This subchapter shall be in full force and effect from and after its passage by the Town Council and appropriate publication pursuant to I.C. 5-3-1-2.
(Prior Code, Ch. 9.04, § V) (Ord. 4-1994, passed 11-16-1994)

LITTERING; EXPECTORATIONS**§ 130.40 PROHIBITIONS.**

It shall be unlawful for any person to do or permit any of the following acts or conditions:

(A) Throw or deposit or, with his or her knowledge or consent, suffer or permit any person in his or her employ, or any member of his or her family, or other person about his or her premises, to throw or deposit any filth, manure, offal, dead animals, vegetable matter, slops, straw, shavings of wood, clipping of metal or leather, paper or fragments of glassware, crockery ware or any other garbage, rubbish or sweepings of any kind upon any street or sidewalk or any gutters, lane, alley or other public place or square of the town, or to deposit or permit any such article to accumulate upon any lot or parcel of ground in the town, or to permit the flow into places of any kind of filth or noxious liquids; and
(Ord. 91, passed 10-18-1895)

(B) Spit on any sidewalk or upon the floor of any public building, church, school house or theater within the corporate limits of the town.
(Ord. 185, passed 4-20-1906)
(Prior Code, § 8.20.010) Penalty, see § 130.99

§ 130.41 ENFORCEMENT.

The Town Council, police officers and designated employees of the town shall be empowered to enforce the provisions of this subchapter using the full due process of the law.
(Prior Code, § 8.20.020)

FIREARMS; EXPLOSIVES**§ 130.55 PROHIBITIONS.**

It shall be unlawful for any person, persons, firm, corporations or associations to:

(A) Discharge any firearms, fire crackers, torpedoes, noise making devices or fire works within the corporate limits of the town at any time, except July 2 to July 5 of any year; and/or
(Ord. 304, passed 5-4-1925)

(B) Haul, transport or convey on any manner any nitroglycerin over, along or across any street or alley within the corporate limits of the town.

(Ord. 206, passed 8-7-1908)

(Prior Code, § 8.16.010) Penalty, see § 130.99

§ 130.56 EXCEPTIONS.

Nothing in this subchapter shall be so construed as to limit the legal actions of any police officers or armed forces personnel acting in their sworn capacity to serve.

(Prior Code, § 8.16.020)

CONTRIBUTING TO DELINQUENCY OF MINORS**§ 130.70 DEFINITIONS.**

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

CHILD or ***CHILDREN***. A male child under the age of 18 years or the female child under the age of 18 years.

(Prior Code, § 8.08.010) (Ord. 412, passed 5-1-1944)

§ 130.71 PROHIBITION.

(A) The Town Council believes that a high and responsible duty rests on a parent or parents as to their children's training, conduct and care, and the same thing is true of any other person, or persons so responsible for any child or children.

(B) It is hereby made unlawful for a parent, parents, person or persons, having care, custody or control of the child, or children, or any person having the control of a child or children, to by any act or omission of duty, to encourage and contribute to any delinquency to the child or children.
(Prior Code, § 8.08.020) (Ord. 412, passed 5-1-1944) Penalty, see § 130.99

§ 130.72 JURISDICTIONS.

(A) The Judge of the Henry Circuit Court of the State of Indiana shall, as such Judge, be the Judge.

(B) The Juvenile Court Judge shall have original jurisdiction in all proceedings and in all matters under this subchapter in any case or cases of any violation of any of the terms of this subchapter.
(Prior Code, § 8.08.030) (Ord. 412, passed 5-1-1944)

§ 130.73 INVESTIGATIONS.

(A) Any police officer of the town shall inquire into or make investigations of the actions of the parent, parents, person and persons having custody and control of any child or children whom they have grounds to believe are violators of this subchapter and of any child or children in the matter.

(B) The officer or officers shall report the results of their inquiries and investigations to the Judge of the Henry Circuit Court of the Juvenile Court.
(Prior Code, § 8.08.040) (Ord. 412, passed 5-1-1944)

§ 130.74 MISDEMEANORS.

Parent, parents, person or persons so charged who by any act, or omission of duty, encourages, contributes and permits the child or children within the town to do the following acts, are guilty of misdemeanor as follows:

(A) To allow a child or children to have environment dangerous to life or limb or injurious to the health or morals of the child or others;

(B) To allow the child or children to so any act or acts that contributes to the waywardness of the child or person at any time;

(C) To allow such a child or children to conduct himself or herself so as to endanger the morals or the health of himself, herself or others;

(D) To allow the child or children to be in disreputable place or to associate with vagrant, vicious or immoral person or persons; and/or

(E) To permit the child or children to habitually or frequently loiter late at night or nights on the streets, alleys, public buildings, parks and public places unattended by parent, person or persons having custody and control of any child or children.

(Prior Code, § 8.08.050) (Ord. 412, passed 5-1-1944) Penalty, see § 130.99

§ 130.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Any person violating any provision of §§ 130.01 *et seq.* shall be fined not less than \$25, nor more than \$100, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(Prior Code, Ch. 9.16, § IV) (Ord. 1-1992, passed 8-19-1992)

(C) Any violation of §§ 130.25 *et seq.* shall subject the violator to a fine of \$25 for the first violation and \$50 for any subsequent violation and shall be paid through the Town Clerk-Treasurer as Violations Clerk, pursuant to I.C. 33-6-3-1.

(Prior Code, Ch. 9.04, § IV) (Ord. 4-1994, passed 11-16-1994)

(D) Any person violating any provision of §§ 130.40 *et seq.* shall be fined, upon conviction, any sum not to exceed \$10, plus court cost, and violators of § 130.40(A) shall, after being given an opportunity to comply with the provisions thereof and failing to do so, will have the nuisance abated by order of the Town Council and the necessary expenses will be charge to the property as a lien, and collected in the same manner that other taxes are collected.

(Prior Code, § 8.20.030)