

CHAPTER 136: OFFENSES AGAINST PUBLIC ORDER

Section

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§ 136.01 SHOOTING AIR RIFLES.

(A) It shall be unlawful to shoot an air rifle on or into a public street or place within the city limits or to destroy with an air rifle any property therein.

(B) Anyone violating this section shall be fined not less than \$5 nor more than \$10.

(Ord. passed 10-5-50)

§ 136.02 CURFEW.

(A) Definitions. As used herein, the following words and phrases have the meanings indicated therefor:

"CURFEW HOURS."

(1) The hours after 11:00 p.m., prevailing time, on any Sunday, Monday, Tuesday, Wednesday or Thursday and before 6:00 a.m., prevailing time, on the following day; and

(2) The hours after 1:00 a.m., prevailing time, and before 6:00 a.m. prevailing time, on any Saturday and Sunday.

"EMERGENCY." An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, without limitation, fires, floods, natural disasters, automobile accidents and any situation requiring immediate action to prevent serious bodily injury or loss of life.

"ESTABLISHMENT." Any privately owned place of business, which is operated for a profit, and to which the public is invited, including, without limitation, any place of amusement or entertainment.

"GUARDIAN."

(1) Any person who is the guardian of the person of a minor, pursuant to a Court Order or Judgment; or

(2) Any public or private agency with whom a minor has been placed by a Court Order.

"MINOR." Any person under eighteen (18) years of age.

"OPERATOR." Any individual, firm, association, partnership or corporation operating, managing, or conducting any establishment, including, without limitation, the members or partners of an association

or partnership, and the officers of a corporation.

"PARENT." Includes the natural parent, adoptive parent and step parent of a person under eighteen (18) years of age; and also any person at least eighteen (18) years of age who has been authorized and appointed by a parent or guardian to have the care, custody and control of a child or ward thereof under eighteen (18) years of age.

"PUBLIC PLACE." Any place to which the public or a substantial group of the public has access, including, without limitation, streets, highways, parks, playgrounds and the common areas of schools, hospitals, apartment houses, office buildings and transportation facilities.

"REMAIN."

(1) To linger or stay; or

(2) To fail to leave the premises when requested to do so by any peace officer, or the owner, tenant, operator or any other person in control of the premises.

"SERIOUS BODILY INJURY." A bodily injury that creates a substantial risk of death, or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(B) Establishment of curfew hours. The following curfew hours for persons under eighteen (18) years of age are hereby established by, in and for the city:

(1) The hours after 11:00 p.m. prevailing time, on any Sunday, Monday, Tuesday, Wednesday or Thursday and before 6:00 a.m., prevailing time, on the following day; and

(2) The hours after 1:00 a.m. prevailing time, and before 6:00 a.m., prevailing time, on any Saturday or Sunday.

(C) Offenses. During the curfew hours established hereby:

(1) No minor shall remain in any public place or on the premises of any establishment; and

(2) No parent or guardian of a minor shall knowingly permit or allow, by insufficient control and supervision, or otherwise, any minor thereof to remain in any public place or on the premises of any establishment; and

(3) No owner, operator or employee of an establishment shall knowingly permit, or allow by insufficient supervision and control, or otherwise, any minor to remain upon the premises of the establishment.

(D) Defenses. The following circumstances are hereby established as affirmative defenses to any criminal or civil proceedings for any

violation of this ordinance:

(1) The minor was:

(a) Accompanied by the parent or guardian thereof; or

(b) On an errand at the direction of the parent or guardian thereof, without any detour or stop; or

(c) In a motor vehicle in the course of interstate travel;
or

(d) Engaged in any employment activity, or going to or returning home from any employment activity, without any detour or stop; or

(e) Involved in an emergency; or

(f) On the sidewalk abutting the residence of the minor, or abutting the residence of a next door neighbor, without any complaint by the next door neighbor to the Police Department of the city about the presence of the minor thereon; or

(g) Attending any school or religious activity, or any recreational activity supervised by adults and sponsored by either the city, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from such activity, without any detour or stop; or

(h) Exercising any rights secured and protected by the first amendment to the United States Constitution, such as the free exercise of religion, freedom of speech and the right of peaceable assembly; or

(i) Married or otherwise emancipated; or

(2) The owner, operator or employee of an establishment promptly notified the Police Department of the city that a minor was present on the premises during curfew hours and refused to leave.

(E) Enforcement.

(1) Before enforcing any provision of this ordinance by a citation, arrest, or other custodial activity, police officers of the city and other peace officers shall first request from the person suspected of being under eighteen (18) years of age the actual age thereof and the reasons and purpose therefor, for remaining or otherwise being in a public place or establishment during the curfew hours established herein.

(2) No police officer of the city, or any other peace officer shall enforce any provision of this ordinance by any citation, arrest

or other custodial activity unless the officer reasonably believes from the responses of the person suspected of being under eighteen (18) years of age, or any other circumstances, that an offense and violation of this ordinance has occurred; and that there are no defenses to the enforcement of this ordinance described herein.

(3) In the enforcement of this ordinance, all Williamstown Police Officers and all other peace officers shall comply with the duties identified in KRS 610.200 through 610.280; and shall also comply with the provisions of all other applicable laws, including, without limitation, the Kentucky Juvenile Code in KRS Chapters 600 to 645.

(F) Penalty. Each violation and every other failure to comply with the provisions of this ordinance shall be a misdemeanor; and each day of the continuation thereof shall be a separate and distinct offense for which:

(1) Everybody convicted thereof in a court of competent jurisdiction shall be sentenced to pay a criminal fine not to exceed the maximum amount of \$500.00 as set forth in KRS 534.040(2)(a) or a term of imprisonment not to exceed the maximum period of twelve (12) months as set forth in KRS 532.090(1), for both; and

(2) The offender shall be subject to a civil penalty of one hundred (\$100.00) dollars for each offense, which shall be recovered by the city in a civil action in the nature of debt if not paid by the offender within thirty (30) days after citation for the violation or other failure to comply with the provisions of this ordinance.

(Am. Ord. 2013-01, passed 1-15-13)

§ 136.03 CURFEW DURING A STATE OF EMERGENCY.

(A) In time of public danger or an emergency, as declared by the Mayor, all persons shall be prohibited from being on the streets, alleys, or public places in the city at night during the period from 7:30 p.m. until 6:00 a.m. excepting those persons on official governmental business, persons proceeding to or from a bona fide place of employment, or to or from a hospital.

(B) The Mayor shall have the authority to order the Chief of Police or any other police officer to deputize as many citizens as he deems necessary to maintain law and order.

(C) Any person violating the provisions of this section shall, on conviction thereof, be punished by a fine in a sum not to exceed an amount of \$500, be imprisoned for a period not to exceed six months, or both so fined and imprisoned in the discretion of the judge or jury trying the case.

(Ord. 114, passed 5-1-68)

OFFENSE	KRS SECTION	PENALTY CLASS
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		
First degree	525.105	D felony
Second degree	525.110	A misdemeanor
DISORDERLY CONDUCT	525.060	B misdemeanor
DISRUPTING MEETINGS OR PROCESSIONS misdemeanor	525.150	B
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 misdemeanor	525.160	B
FIREARMS AND WEAPONS		
Carrying concealed weapon	527.020	A misdemeanor or D felony
Defacing a firearm	527.030	A misdemeanor
Felon possessing handgun	527.040	C or D felony
Possessing defaced firearm	527.050	A misdemeanor
HARASSING COMMUNICATIONS misdemeanor	525.080	B

OFFENSE	KRS SECTION	PENALTY CLASS
HARASSMENT	525.070	Violation
INCITING TO RIOT	525.040	A misdemeanor
LOITERING	525.090	Violation
OBSTRUCTING HIGHWAY OR PUBLIC PASSAGE	525.140	B misdemeanor
PUBLIC INTOXICATION misdemeanor	525.100	B
RIOT		
First degree	525.020	D felony
Second degree	525.030	A misdemeanor
UNLAWFUL ASSEMBLY	525.050	B misdemeanor
Penalty, see Ch. 139		