

**TITLE XIII: GENERAL OFFENSES**

Chapter

**130. GENERAL OFFENSES**



## CHAPTER 130: GENERAL OFFENSES

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### § 130.01 ILLEGAL ACTS; MISDEMEANORS.

The following acts are declared unlawful and are prohibited within the corporate limits of the city, and any persons committing any of the acts within the city shall be deemed to have committed a misdemeanor:

(A) To commit an assault;

(B) It is unlawful for any person, other than a law enforcement officer when acting as such, to:

(1) Carry a pistol or revolver, loaded or unloaded, concealed on or about his or her person without a state permit; or

(2) Carry a pistol or revolver, loaded or unloaded, concealed in any vehicle operated by him or her, without a state permit.

(C) To carry a switchblade knife;

(D) To gamble unless such form of gambling is permitted under state law. Only the forms of gambling that are permitted under state law are allowed in a gambling house. Only the type and forms of gambling that are permitted under state law are allowed in any place of business located in the city that is licensed to handle such type and forms of gambling;

(E) To discharge any firearms within the city without the permission of the Mayor;

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(F) To make an indecent exposure of the person;

(G) Disorderly conduct. To intentionally cause serious public inconvenience, annoyance or alarm to any other person, or create a risk thereof by:

(1) Engaging in fighting or in violent or threatening behavior;

(2) Making unreasonable noise;

(3) Disturbing any lawful assembly or meeting of persons without lawful authority; or

(4) Obstructing vehicular or pedestrian traffic.

(H) To keep a house of ill fame;

(I) To practice prostitution;

(J) To intentionally injure or destroy any sidewalk, crossing, traffic sign of any kind, city property at the park or auditorium or any other public property belonging to the city;

(K) To remove or destroy any monuments or stakes showing the location of lots in the city or any other property which belongs to the city;

(L) To resist or impede any officer of the city in the discharge of his or her duty;

(M) To create, permit or allow to remain any nuisance on premises owned or used by the occupant;

(N) To assist or encourage any prisoner to escape from an officer of the city or from the city jail;

(O) To refuse to assist an officer in making an arrest;

(P) To be cruel to animals;

(Q) To incite or cause a dog fight;

(R) To tamper with any city water or sewer lines without permission from city authorities; and

(S) To wilfully destroy or injure telephone or lighting equipment legally maintained in the city. (Prior Code, § 9.04.010) (Ord. 112, passed - -1993; Am. Ord. 113, passed - -1993; Am. Ord. 114, passed - -1993) Penalty, see § 130.99

**§ 130.02 FRAUD AND MISREPRESENTATIONS.**

(A) *Credit defined.* **CREDIT**, as used in this chapter, means an arrangement or understanding with the bank for the payment of a draft, check or order.

(Prior Code, § 9.08.010)

(B) *Checks.*

(1) It is unlawful for any person, with the intent to defraud, and for a present consideration, to draw and deliver to the person furnishing the consideration any draft, order for the payment of money, or check upon any bank, knowing at the time that he or she (the drawer) has not sufficient funds in or credit with the bank for the payment of the instrument in full upon its presentation.

(2) It is unlawful for any person, who, with the intent to defraud, shall after the drawing and delivery of any check, draft or order for the payment of money for a present consideration, countermand payment of the instrument, or withdraw from the bank upon which the instrument is drawn such a sum of money as will prevent the payment in full of the same upon presentation.

(3) The making and delivering of any currently dated check, draft or order for the payment of money upon any bank wherein the drawer shall not at the time of presentment for payment of any instrument have sufficient funds or credit with the bank for the payment of the same in full, shall be prima facie evidence of intent to defraud, and as against the drawer, of knowledge of insufficient funds or credits with the bank.

(Prior Code, § 9.08.020)

Penalty, see § 130.99

**§ 130.03 HOUSING DISCRIMINATION.**

(A) *Prohibited.* This section prohibits discrimination in the sale or rental of dwellings, discrimination in the financing of housing, blockbusting and discriminatory advertising and makes it unlawful to deny any person access to, or membership or participation in, any multiple listing service or real estate brokers' organization for discriminatory reasons.

(Prior Code, § 9.12.010)

(B) *Applicability of chapter.*

(1) This section is applicable to all dwellings except those which are specifically exempt.

(2) This section does not apply to the sale or rental of a single-family house by a private individual owner who does not own more than 3 such single-family houses at any time.

(3) This section does not apply to rooms or units in dwellings containing living quarters occupied by no more than 2 families living independently of each other if the owner occupies one of such quarters as his or her residence.

(Prior Code, § 9.12.020)

(C) *Handling of complaints.* This section authorizes the City Council to receive, investigate and conciliate complaints.

(Prior Code, § 9.12.030) (Ord. 115, passed - -1993) Penalty, see § 130.99

#### **§ 130.04 CURFEW HOURS; DESIGNATED.**

It shall be unlawful for any minor under the age of 18 years to loiter, idle, wander, stroll or play, ride in any motor vehicle, in or upon the public streets, highways, roads, alley, parks, public buildings, places of amusement and entertainment or other unsupervised places or any person that operates a business within the city shall not allow minors subject to the curfew to remain on the business premises after the curfew hours that are defined below.

(A) Between the hours of 10:30 p.m. and 6:00 a.m., official city time, on nights before regular school days; and

(B) Between the hours of 12:00 a.m. and 6:00 a.m., official city time, on nights when school is not in session on the following day.

(Prior Code, §§ 9.16.010, 9.16.020) (Am. Ord. 198, passed 4-2-2007) Penalty, see § 130.99

#### **§ 130.05 EXCEPTIONS TO THE CURFEW.**

The curfew hours do not apply to a minor who is:

(A) Accompanied by a minor's parent or guardian.

(B) On errand at the direction of the minor's parent or guardian, without any detour or stop.

(C) In a motor vehicle involved in interstate travel.

(D) Engaged in an employment activity, or going to or returning home from an employment activity, without detour or stop.

(E) Involved in an emergency.

(F) On the sidewalk abutting the minor's residence or abutting the residence of a next door neighbor if the neighbor did not complain to the police department about the minor's presence.

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

(H) 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; or

(I) Married or had been married or had the disabilities of minority removed in accordance with state law.

(Am. Ord. 198, passed 4-2-2007)

**§ 130.06 PARENT'S OR GUARDIAN'S RESPONSIBILITY.**

It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of 18 years to knowingly permit the minor to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places in violation of this chapter. The provisions of this section do not apply when any of the exceptions found in § 130.05 apply.

(Am. Ord. 198, passed 4-2-2007)

**§ 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) Violations of any provisions of §§ 130.04 through 130.06 will be punished in accordance to a Class 2 misdemeanor.

(Prior Code, § 9.16.030) (Am. Ord. 198, passed 4-2-2007)

