

TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES AGAINST MUNICIPAL REGULATIONS

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§ 130.01 CURFEW FOR MINORS; PARENTAL RESPONSIBILITY.

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

ALLOW. Either permit or neglect to refrain or prevent. It requires actual or constructive knowledge on the part of the parent or guardian, that is the parent or guardian must actually know about the minor violating this section, or the circumstances must be such that a reasonably prudent parent or guardian should have known the minor was violating this section.

MINOR. Any person under the age of 18 years.

PARENT. Any person having legal custody of a minor as a natural or adoptive parent, as a legal guardian, as a person who stands “in loco parentis” or as a person to whom legal custody has been granted by order of a court.

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

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(B) *Curfew times.* It shall be unlawful for any parent or guardian having legal custody of a minor knowingly to permit or by inefficient control to allow such minor to be on or remain in or upon any public assembly, building, place, street or highway within the city during the curfew, which shall be in effect during the following periods:

(1) *For minors age 16 and 17.*

12:01 a.m.	to	6:00 a.m. on Saturday
12:01 a.m.	to	6:00 a.m. on Sunday
10:00 p.m. on Sunday	to	6:00 a.m. on Monday
10:00 p.m. on Monday	to	6:00 a.m. on Tuesday
10:00 p.m. on Tuesday	to	6:00 a.m. on Wednesday
10:00 p.m. on Wednesday	to	6:00 a.m. on Thursday
10:00 p.m. on Thursday	to	6:00 a.m. on Friday

(2) *For minors under the age of 16.* 10:00 p.m. each evening to 6:00 a.m. the following morning, each day of the week.

(C) *Exceptions.* In the following exceptional cases, a minor in or upon any public assembly, building, place, street or highway in the city during the hours set out in division (B) above shall not be considered in violation of the curfew established by this section.

(1) When the minor is accompanied by his/her parent or guardian;

(2) When the minor is accompanied by an adult authorized in advance by the minor's parent or guardian;

(3) When 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, provided that written notice signed by the minor and countersigned by the minor's parent or guardian is in the possession of the minor and that such written notice specifies when, where and in what manner the minor will be exercising his/her First Amendment rights;

(4) In case of reasonable necessity, but only after the minor's parent or guardian has communicated to the investigating police officer the facts establishing such reasonable necessity;

(5) When the minor is on the sidewalk of the place where the minor resides, or on the sidewalk of either next door neighbor and such next door neighbor has not communicated an objection to the minor's presence to a police officer or to the Police Department.

(6) When the minor is returning to his/her 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 satisfactory justification indicating the place and time of termination of said event is given to the investigating police officer;

(7) When authorized by regulation issued by or through the Mayor or the Mayor's designee in cases of reasonable necessity involving more minors than may reasonably be dealt with on an individual basis. Such regulation shall be issued sufficiently in advance to permit publicity through the news media and through other agencies such as the schools and the Police Department. The regulation shall define the activity, the scope of the use of the public assembly, building, place, street or highway permitted, and the period of time involved, not to extend more than one hour beyond the time for termination of the activity, and the reason for finding that such regulation is reasonably necessary.

(8) When engaged in a business or occupation which the laws of Kentucky authorize a person under 18 years of age to perform;

(9) When the minor is, with parental consent, in a motor vehicle with a lawfully authorized driver;

(10) When the minor, who is a duly authorized and licensed driver, is operating a motor vehicle within the city for the purpose of passing through, by direct route, from one location to another either within or out of the city, and this exception shall include all minors who may also be within the vehicle.

(D) *Questioning by police.* A police officer, upon finding or being notified of a minor, or an individual reasonably believed to be a minor, in or upon any public assembly, building, place, street or highway during the curfew hours and not being subject to one or more of the exceptions set out in division (C) hereof, and whose parent or guardian is reasonably believed to be in violation of this section, may stop and question such minor and request such information as the minor's name, age, and the name and address of the minor's parent or guardian, having legal custody of or standing in loco parentis for the minor.

(Ord. 94-13, passed 8-9-94) Penalty, see § 130.99

§ 130.02 REGULATION OF HALLOWEEN ACTIVITIES.

(A) Public “trick-or-treat” and Halloween activities shall take place only on that date annually determined by the City Council for such Halloween activities. All such “trick-or-treat” activities not conducted within a private residence or within a public building shall begin no earlier than 5:00 p.m., prevailing time, and shall conclude no later than 7:00 p.m., prevailing time, on that same date.

(B) With the exception of activities carried out entirely within a private residence or within a public building, no person 13 years of age or older shall, at any time on the date designated by the City Council for the celebration of Halloween, wear any hood, mask or device whereby a substantial portion of the wearer's face is hidden or covered so as to conceal the identity of the wearer.

(Ord. 91-16, passed 1-13-92) Penalty, see § 130.99

§ 130.03 WEARING HOODS OR MASKS.

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

PUBLIC PLACE. All walks, alleys, streets, boulevards, avenues, lanes, roads, highways, or other ways or thoroughfares dedicated to public use or owned or maintained by public authority, all grounds and buildings owned, leased or operated for the use of organizations enjoying all tax-exempt privileges as a charitable use.

(B) *Wearing hoods or masks in a public place.* No person or persons shall, while wearing any hood, mask, or device whereby a substantial portion of the face is hidden or covered so as to conceal the identity of the wearer, enter, be, or appear in any public place within the city.

(C) *Wearing hoods or masks on the property of another.* No person shall, while wearing any hood, mask, or device whereby a substantial portion of the face is hidden or covered so as to conceal the identity of the wearer, demand entrance or admission, enter or come upon or into, or be upon or in the premises, enclosure or house of any other person in the city, unless he shall have first obtained the permission of the owner and the occupant of such property.

(D) *Exemptions.* The following are exempted from the provisions of divisions (B) and (C) of this section:

- (1) Any person under 16 years of age;
 - (2) Any person wearing traditional holiday costumes in season;
 - (3) Any person using masks in theatrical productions including use in mardi gras celebrations and masquerade balls;
 - (4) Any person lawfully engaged in trades or employment or in a sporting activity where a mask or facial covering is worn for the purpose of ensuring the physical safety of the wearer, or because of the nature of the occupation, trade or professional or sporting activity;
 - (5) Any person wearing a gas mask in drills, exercises or emergencies.
- (Ord. 80-13, passed 12-8-80)

§ 130.04 USE OF FIREARMS, SLINGSHOTS.

(A) It shall be unlawful for any person, adult or infant, to fire within the limits of the city any firearm of any kind or character for any purpose whatsoever except in the enforcement of law, provided that the use of firearms in the destruction of rodents, pigeons, squirrels or similar animals or birds or reptiles that are considered to be a menace to public health or property may be permitted by special

permission of the Mayor and prior notice to the City Council. It shall be further unlawful for any person to use any slingshot or other instrument for the purpose of throwing stones, shot or other hurtful missiles within the city limits.

(B) It shall be unlawful for any person to sell or furnish any minor or infant with any sling or slingshot or other instrument for the purpose of throwing stones, shot or other hurtful missiles within the city limits, or to furnish any minor or infant with any firearm of any kind or character for the purpose of use within the city limits or to furnish any minor or infant with ammunition for said firearms, sling, slingshot or other instrument.

(C) Any firearm of any kind or character or any sling, slingshot or other instrument for the purpose of throwing stones, shot or other hurtful missiles, which may be involved or used in violating any of the provisions of this section shall be subject to confiscation, in addition to the fine provided for in § 130.99.

(Ord. 1020.4, passed 6-20-69; Am. Ord. 20-01, passed 3-13-00) Penalty, see § 130.99

§ 130.05 THROWING MISSILES.

It shall be unlawful within the city to commit or aid or abet in the commission of throwing any stone, snowball or other missile upon or at any vehicle, building, tree or other public or private property or upon or at any person in any public or private way or place or enclosed or unenclosed ground.

(Ord. 1020.5, passed 4-19-76) Penalty, see § 130.99

§ 130.06 SOUND AMPLIFYING EQUIPMENT.

(A) It shall be unlawful within the city to commit or aid or abet in the commission of any of the following:

(1) To operate or cause to be operated any aircraft for any purpose in or over the city with sound amplifying equipment in operation.

(2) To operate any vehicle containing sound amplifying equipment causing a sound louder than normally operative automobile radio equipment without first obtaining a permit from the chief of Police and a license from the City Clerk and paying a license fee of \$25 for each day or portion of each day that the sound equipment shall be in operation, provided, however, that no such sound equipment shall be operated between the hours of 8:00 p.m. and 9:00 a.m.

(Ord. 1020.5, passed 4-19-76)

(B) No person or person shall use, either from a stationary or fixed position, in any building or elsewhere or in or on any vehicle, an amplifier or "loud speaker" for the amplification of sounds to be heard upon the public streets or sidewalks in the city without having first obtained the approval of the City Council for the use thereof. (Ord. 1020.2, passed 3-9-51)

§ 130.07 POLICE RADIOS IN VEHICLES.

It shall be unlawful within the city to commit or aid or abet in the commission of any of the following:

(A) To equip or operate any motor vehicle with a high frequency police radio receiving set, unless such motor vehicle is being used by the federal, state or city government, a police officer, or unless a permit for the use of same shall be granted by the Chief of Police upon written application stating the name of the applicant, the license number, engine number, model and make of the motor vehicle in which it will be installed, the name and address of the applicant and the reason why the applicant desires to install such set; provided, however, that the Police Chief shall not issue a permit unless he finds that the application shows a need for the issuance of same, that the set will be used for a lawful purpose and that the public interest will be served by the granting of the application and unless the applicant shall pay a fee of \$25 per year so long as said set shall be installed within the vehicle.

(B) To transfer the permit referred to above.
(Ord. 1020.5, passed 4-19-76) Penalty, see § 130.99

§ 130.08 MAKING BONFIRE IN PUBLIC STREET.

It shall be unlawful within the city to commit or aid or abet in the commission of making any bonfire in or upon any public street or place without the permission of the Chief of Police.
(Ord. 1020.5, passed 4-19-76) Penalty, see § 130.99

§ 130.09 FALSE FIRE ALARM.

It shall be unlawful within the city to commit or aid or abet in the commission of intentionally making, turning in or giving a false alarm of fire, or of need for police or ambulance assistance.
(Ord. 1020.5, passed 4-19-76) Penalty, see § 130.99

§ 130.10 UNLAWFUL FIRES.

(A) It shall be unlawful to kindle or maintain any outdoor fire or authorize any outdoor fire to be kindled or maintained on any property except in accordance with this section.

(B) No outdoor fire shall be kindled or maintained or authorized to be kindled or maintained on any property unless such fire is begun and contained behind the set-back lines established for that property under the Zoning Ordinance, without regard to any variances or nonconforming uses.

(C) With prior, specific approval given by the Chief of the Fire Department, or his or her designee, "open burning" shall be permitted for the purposes hereinafter set forth in this section. Appropriate advance notice shall be provided to the Chief prior to any proposed open burning, and the Chief shall authorize such open burning only upon his finding that the public health, safety and property will not be endangered, that excessive, unusual or noxious smoke will not be created, and that no extraneous materials, such as tires or heavy oil, that tend to produce dense smoke will be used to cause ignition or aid combustion. The Chief may at any time require an open burning in progress to be extinguished. For purposes of this section, the term "open burning" shall mean the burning of any matter without an approved burn chamber and a stack or chimney with approved control devices. Purposes for which open burning is allowed under the terms of this section are as follows:

- (1) Fires set for the disposal of trees and tree limbs felled by storms, provided such trees and tree limbs originated from that particular property. The burning of leaves is not allowed;
- (2) Fires set for the cooking of food for human consumption;
- (3) Fires set for recreational or ceremonial purposes;
- (4) Fires set by construction and other workers for comfort heating purposes;
- (5) Fires set for the purpose of weed abatement, disease and pest prevention;
- (6) Fires set for the prevention of a fire hazard, including the disposal of dangerous materials if no safe alternative is available;
- (7) Fires set for the purpose of bona fide instruction and training of public and industrial employees in the methods of fighting fires;
- (8) Fires set for recognized agricultural, silvicultural, range and wildlife management practices;
- (9) Fires set for the purpose of disposing of accidental spills or leaks of crude oil, petroleum products or other organic materials, and the disposal of absorbent material used in their removal, if no other economically feasible means of disposal is available and practical. Permission shall be obtained from the Commonwealth of Kentucky Natural Resources and Environmental Protection Cabinet prior to such burning; and
- (10) Heating ropes that are set on fire to repair steel rails during cold weather.

(D) That the kindling and maintaining of an outdoor fire with an approved burn chamber and a stack or chimney with approved control devices is authorized without advance notice to or approval by the Chief of the Fire Department for the purpose of disposing any item that is not eligible for deposit at the Marion County landfill under applicable laws and regulations.

(E) That notwithstanding anything herein to the contrary, no outdoor fire shall be kindled or maintained or authorized to be kindled or maintained on any property if such fire would violate any federal law or regulation or any law or regulation of the Commonwealth of Kentucky or any order of the State Fire Marshal.

(F) That the provisions hereof shall not be applicable to burning by any federal, state, county or city government or agency.
(Ord. 02-04, passed 12-9-02)

§ 130.11 ALARMS.

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

ALARM SITE. Area controlled by a single alarm system, including those alarms which are designed to elicit a response from the Lebanon Police Department and/or the Lebanon Fire Department.

ALARM SYSTEM. Any alarm device which automatically causes a contact with the Lebanon Police Department for the purpose of reporting an active alarm.

(B) *Alarm registration.*

(1) No person shall install an alarm system or use or possess an operative alarm system without first notifying the Lebanon Police Department. The Department shall require detailed information regarding the alarm system.

(2) Any alarm company servicing equipment in the city limits shall:

(a) Obtain a business license at the office of the City Clerk.

(b) Submit a list of alarm customers within the city limits to the Lebanon Police Department.

(c) Keep a log of requests for service for each alarm system. These logs shall be available for review by the Lebanon Police Department and/or the Lebanon Fire Department and shall be kept for a period no less than 120 days from the date that service was requested by the alarm user.

(C) *False alarms permitted, fees charged.*

(1) Each alarm user shall be permitted six false alarms per alarm site per calendar year per department (i.e., six false fire alarms and six false police-response (i.e. burglary) alarms each year). After the sixth false alarm, the Lebanon Police Department will notify the alarm user that further alarms will be billed a per run fee to defray the cost of the excessive number of runs/responses to the city. The

alarm user shall inform the Lebanon Police Department of action taken to prevent further false alarms. For each additional false alarm responded to by the Lebanon Police and/or Lebanon Fire Department during the year, the alarm user shall be billed a Response Run Fee according to the following schedule, to-wit:

Lebanon Police Department false alarm responses per calendar year

0-6 false alarms	\$0.00
7-12 false alarms	\$50.00 each response run
13 or more false alarms	\$100.00 each response run

Lebanon Fire Department false alarm responses per calendar year

0-6 false alarms	\$0.00
7-12 false alarms	\$250.00 each response run
13 or more false alarms	\$500.00 each response run

If fees could be assessed by both the Lebanon Police Department and the Lebanon Fire Department responding simultaneously to an excessive false alarm, the alarm user will only be billed for one response run, whichever of the two is greatest in expense to the city.

(2) *Service call, penalty.* After an alarm user experiences two false alarms per alarm site per calendar year, the alarm user shall notify his/her/its alarm service provider of the recurring malfunction and shall produce proof to the Lebanon Police Department of the service call conducted by the alarm service provider within ten days of the false alarm. Any alarm user who violates this section by failing to present such proof within the stated time period shall be penalized by acceleration of the fee schedule set forth above such that every false alarm following the second false alarm shall result in a response run fee of \$50 per Lebanon Police Department response run and \$250 per Lebanon Fire Department response run until the seventh false alarm response run at which time the fee schedule above shall apply.

(3) *Exceptions.* No alarm user shall be subject to a per run fee for false alarms that result from acts of God, civil disturbance or abnormal weather conditions. Nor shall a fee be charged if the activation was a result of an alarm company's failure to provide service within 24 hours of reporting a malfunction and requesting service. It shall, however, be the burden of the alarm user to provide reasonable proof that service was requested.

(D) *Duties of alarm protective service providers.*

(1) Any and all persons, firms, corporations or other business entities providing alarm protective services to alarm sites within the city limits of Lebanon shall within 30 days following enactment of this section notify and inform alarm systems users for whom the alarm protective service provider installed an alarm system or otherwise provides services, that the alarm system user must obtain an alarm permit from the city on or before the operational date of this section. The operational date of this section shall be September 1, 2006.

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(2) Any and all persons, firms, corporations or other business entities providing alarm protective services shall, before installing, servicing, repairing, maintaining or replacing an alarm system at an alarm site within the city limits of Lebanon, notify and inform the alarm system user for whom such services are to be performed that said alarm system user must obtain an alarm permit from the city and produce same to the alarm protective service provider prior to the performance of said service.

(3) No person shall install, service, repair, maintain or replace an alarm system at an alarm site without the alarm system user having first obtained a valid alarm permit in accordance with the provisions of this section.

(E) *Registration of alarm protective service personnel.*

(1) Any and all persons who own, have or acquire an interest in any business entity which provides alarm protective services or who are employed by such business entity shall, prior to acquiring said interest or commencing business or such employment, register with the city by completing application for and obtaining a business license authorizing the conduct of business within the city limits of Lebanon.

(F) *Alarm permit application.*

(1) No person shall operate, cause to be operated or permit the operation of an alarm system at an alarm site unless a valid alarm permit has been issued by the city, with exception of an alarm protective service provider unless the alarm protective system provider is the owner, agent or person in control of the property which the alarm system is designed to protect.

(2) An alarm system user shall obtain an alarm permit for each alarm site. There is no fee paid by the alarm system user-applicant for the alarm permit or the application.

(3) Application for an alarm shall be obtained from and submitted for approval to the Lebanon Police Department. Said application shall require the following information:

(a) The name, address and telephone number of the alarm system user;

(b) The street address of the alarm site and the name and telephone number of the occupant thereof;

(c) The name, address and telephone number of the alarm protective service provider or providers who will install and/or service the alarm system; and

(d) The name, address and telephone number of at least three persons on behalf of the alarm system at any time upon notification from the city should same become necessary, a minimum of two of the named three persons must be Marion County residents.

(4) The permit holder shall immediately notify in writing the Lebanon Police Department, Dispatch, of any and all changes in the information provided on said application.

(5) An alarm permit shall not be transferable.
(Ord. 06-04, passed 7-12-06)

§ 130.99 PENALTY.

(A) Any parent or guardian violating the provisions of § 130.01 shall be guilty of a misdemeanor and shall be subject to a fine of not less than \$50 and not more than \$500 and/or to imprisonment for a period of not to exceed six months. (Ord. 94-13, passed 8-9-94)

(B) Any person who violates any provision of § 130.02 shall be guilty of a misdemeanor, and shall be fined no more than \$100 and/or imprisoned no longer than 30 days. (Ord. 91-16, passed 1-13-92)

(C) Any person who violates any provision of § 130.03 shall be guilty of a misdemeanor, and shall be fined no more than \$100 and/or imprisoned for no longer than 50 days. (Ord. 80-13, passed 12-8-80)

(D) Any person violating the provisions of § 130.04 shall be guilty of a misdemeanor and shall be fined not less than \$10 nor more than \$500 for each offense. (Ord. 1020.4, passed 6-20-69)

(E) Any person, firm or corporation violating any of the provisions of §§ 130.05 through 130.09(A) shall be guilty of a violation and shall be fined no less than \$25 and nor more than \$100 for each violation and each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder. (Ord. 1020.5, passed 4-19-76)

(F) Any person or persons violating the provisions of § 130.09(B) shall be guilty of a violation and shall be fined not less than \$5 nor more than \$25 for each offense. (Ord. 1020.2, passed 3-9-51)

(G) Any person violating the terms of § 130.10 shall be fined not less than \$100 nor more than \$500 for each offense and each day in which a violation of § 130.10 shall occur shall be deemed to constitute a separate offense. Provided, however, the Chief shall have the discretion to issue a written or verbal warning in lieu of a citation for violations of this § 130.10. (Ord. 02-04, passed 12-9-02; Am. Ord. 03-04, passed 6-9-03)

(H) Any alarm system user violating § 130.11 by failure to obtain permit shall be given one warning by the Lebanon Police Department after one alarm response run to an alarm site for which the alarm system user has failed to obtain an alarm permit; thereafter, each response run to the alarm site by either, or both of, the Lebanon Police Department or Lebanon Fire Department shall result in a penalty of \$50 per run payable by the alarm system user. Any penalty assessed hereunder shall be in addition to any applicable response run fee imposed under § 130.11 (C). (Ord. 06-04, passed 7-12-06)

