

Chapter 38

OFFENSES AND MISCELLANEOUS PROVISIONS

Article I. In General

Secs. 38-1—38-18. Reserved.

Article II. Offenses Against Public Peace and Safety

Sec. 38-19. Alcohol in public.

Secs. 38-20—38-38. Reserved.

Article III. Minors

Sec. 38-39. Curfew.

Secs. 38-40—38-58. Reserved.

Article IV. Firearms, Weapons and Explosives

Sec. 38-59. Firearms and other dangerous weapons.

Sec. 38-60. Other explosives.

Secs. 38-61—38-78. Reserved.

Article V. Rummage Sales

Sec. 38-79. Sales in general.

ARTICLE I. IN GENERAL

Secs. 38-1—38-18. Reserved.

ARTICLE II. OFFENSES AGAINST PUBLIC PEACE AND SAFETY

Sec. 38-19. Alcohol in public.

It shall be unlawful to have an open container of or to drink any alcoholic beverage upon the public thoroughfares of the Town.

(Ord. No. 110, 8-20-1973)

State law reference—Public intoxication prohibited, IC 7.1-5-1-3, 7.1-5-1-6.

Secs. 38-20—38-38. Reserved.

ARTICLE III. MINORS

Sec. 38-39. Curfew.

(a) *Definitions.* For the purposes of this section, the following terms, phrases, words and their derivations shall have the meaning given herein:

Minor means any person under the age of 18.

Parent means any person having legal custody of a minor:

- (1) As the natural or adoptive parent;
- (2) As a legal guardian;
- (3) As a person who stands in loco parentis; or
- (4) As a person to whom legal custody has been given by order of the court.

Public place means any street, alley, highway, sidewalk, park, playground or place to which the general public has access and a right to resort for business, entertainment, or other lawful purpose. A public place shall include but not be limited to any store, shop, restaurant, tavern, bowling alley, cafe, theater, drugstore, pool room, shopping center and any other place devoted to amusement or entertainment of the general public. It shall also include the front or immediate area of the above.

Remain means to stay behind, to tarry and to stay unnecessarily upon the streets, including the congregating of groups (or of interacting minors) totaling four or more persons in which any minor involved would not be using the streets for ordinary or serious purposes such as mere passage or going home.

Street means a way or place, of whatsoever nature, open to the use of the public as a matter of right for purposes of vehicular travel or in the case of a sidewalk thereof for pedestrian

travel. The term "street" includes the legal right-of-way, including but not limited to the cartway or traffic lanes, the curb, the sidewalks whether paved or unpaved, and any grass plots or other grounds found within the legal right-of-way of a street.

Time of night means that the time referred to herein is based upon the prevailing standard of time, whether Central Standard Time or Central Daylight Saving Time, generally observed at that hour by the public.

Year of age means that it continues from one birthday, such as the 17th to (but not including the day of) the next, such as the 18th birthday, making it clear that 17 or less years of age is herein treated as equivalent to the phrase "under 18 years of age."

(b) *Curfew hours.* It is unlawful for any minor to be or remain at a public place within the Town, except as expressly permitted in this article, during the following hours: from 10:00 p.m. until 6:00 a.m. the following day, except that for Friday evening and Saturday evening, said curfew shall not begin until 11:00 p.m. and extend through 6:00 a.m. the following morning.

(c) *Exceptions.* In the following exceptional cases a minor on a Town street during the nocturnal hours for which this section is intended to provide the maximum limits of regulation shall not, however, be considered in violation of this curfew section:

- (1) When accompanied by a parent of such minor.
- (2) When accompanied by an adult authorized by a parent of such a minor to take said parent's place in accompanying said minor for a designated period of time and purpose within a specified area.
- (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.
- (4) In case of reasonable necessity, but only if the minor has in said minor's possession a written communication signed by the minor, countersigned by a parent of such minor evidencing their home address and telephone number, and establishing such reasonable necessity relating to specified streets at a designated time for a described purpose including points of origin and destination.
- (5) When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next-door neighbor not communicating an objection to the police officer.
- (6) When returning home, by a direct route, from (and within 30 minutes of the termination of) a school activity, or an activity of a religious or voluntary association.
- (7) When authorized, by regulation issued by the Town Council, in other similar cases of reasonable necessity, similarly handled but adapted to necessary nighttime activities of more minors than can readily be dealt with on an individual special permit basis.

- (8) When the minor carries a certified card of employment, briefly identifying the minor, the addresses of his home and his place of employment and his hours of employment or carries a valid proof of employment which may include the latest payroll receipt not over 30 days old.
- (9) Whenever the minor is engaged in interstate or intrastate vehicular travel.
(Code 1959, ch. 21, art. XI, § 21-41)

Secs. 38-40—38-58. Reserved.

ARTICLE IV. FIREARMS, WEAPONS AND EXPLOSIVES

Sec. 38-59. Firearms and other dangerous weapons.

It shall be unlawful for any person to discharge any bow and arrow, crossbow, slingshot, firearm, pistol, revolver, rifle, shotgun, air rifle, air pistol or revolver, or any gun operated by CO2 or any other gaseous propellants within the Town limits.

(Code 1959, ch. 8, art. VII, §§ 8-18, 8-20)

Sec. 38-60. Other explosives.

The following activities are also unlawful:

- (1) Making or shooting homemade rockets or rocket propellants.
 - (2) The storage of flammable liquids, including but not limited to benzene, gasoline, and kerosene in a home or residence.
 - (3) The storage of more than five gallons of flammable liquids, including but not limited to benzene, gasoline, and kerosene in a private garage.
 - (4) The storage of flammable liquids, including but not limited to benzene, gasoline, and kerosene in anything other than a sealed, approved container.
- (Code 1959, ch. 8, art. IV, §§ 8-13, 8-14, ch. 8, art. V, §§ 8-15, 8-16)

Secs. 38-61—38-78. Reserved.

ARTICLE V. RUMMAGE SALES*

Sec. 38-79. Sales in general.

No rummage, garage, or yard sale may be conducted in the Town without first obtaining a permit authorizing said activity from the Town.

- (1) A permit must be acquired from the Clerk-Treasurer prior to the occurrence of each sale and said permit must be posted in a conspicuous location at the site of said sale.

*State law reference—Municipal home rule, IC 36-1-3-1 et seq.

- (2) No permittee shall conduct a rummage, garage, or yard sale for more than four days in a 90-day period. A fee according to a schedule of fees, as shall be modified from time to time by the Town Council and made available for public inspection in the Clerk-Treasurer's office, will be charged for each two-day permit or lesser time thereof. A maximum of two permits will be allowed in any 90-day period.
 - (3) The permits required herein and the fee to be paid required herein shall be obtained and paid, respectively, to the Clerk-Treasurer prior to the holding of any activity which required a permit and fee paid herein.
- (Ord. No. 5-16-84A, 5-16-1984)

Chapters 39—41

RESERVED

