

TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES AGAINST PUBLIC PEACE AND SAFETY

Section

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PROVISIONS CONCERNING MINORS

§ 130.01 PERMITTING MINORS TO BECOME LOITERERS.

(A) It shall be unlawful for the proprietor, manager or other person having charge or control of any business or place of public resort to permit, allow or encourage any minor, which is not legally employed therein, to become a common loiterer in or around such place.

(B) It shall be unlawful for any parent, guardian or other person having the custody or control of any minor to permit, allow or encourage such minor to become a common loiterer on any street, alley or other public place, or in any business or commercial establishment, or in any place of public resort.
 (Ord. 2006-18, passed 8-7-06)

§ 130.02 CURFEW HOURS FOR CHILDREN 15, 16, AND 17 YEARS OF AGE.

It is unlawful for a child 15, 16, or 17 years of age to be in a public place in the city at any time during the following curfew hours:

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

(B) After 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday, or Thursday; or

(C) Before 5:00 a.m. on Monday, Tuesday, Wednesday, Thursday, or Friday.
 (Ord. 2006-18, passed 8-7-06)

§ 130.03 CURFEW HOURS FOR CHILDREN YOUNGER THAN 15 YEARS OF AGE.

It is unlawful for a child younger than 15 years of age to be in a public place in the county after 11:00 p.m. or before 5:00 a.m. on any day.
 (Ord. 2006-18, passed 8-7-06)

§ 130.04 APPLICATION.

(A) Sections 130.02 and 130.03 of this chapter do not apply to a child who is:

(1) Accompanied by the child's parent, guardian, or custodian;

(2) Accompanied by an adult specified by the child's parent, guardian, or custodian;

(3) With the consent of the child's parent, guardian, or custodian, either participating in, going to, or returning from:

(a) Lawful employment;

(b) A school-sanctioned activity;

(c) A religious event;

(d) An emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial damage;

(e) An expressive, religious, or associational activity protected by either federal or state law, including but not limited to the free exercise of religion, freedom of speech, and the right of assembly;

(f) An activity conducted by a non-profit or governmental entity that provides recreation, education, training, or other care under the supervision of one or more adults; or

(g) An activity undertaken at the written direction of the child's parent, guardian, or custodian; or,

(4) Engaged in interstate or international travel from a location outside Indiana to another location outside Indiana.

(B) No complaint shall be filed unless the officer reasonably believes that an offense has occurred under this section and that no defense exists for the alleged violation.

(Ord. 2006-18, passed 8-7-06)

§ 130.05 ENFORCEMENT.

(A) A child who commits a curfew violation under this chapter is subject to the enforcement procedures provided in IC 34-28-5-1. Whenever a complaint is filed against a child for a violation of this chapter, the city shall direct a copy of the complaint to the Juvenile Division of the Jay Circuit Court, and to the child's parent, guardian, or custodian, if such person is known or can be identified by a reasonable inquiry.

(B) In addition to the imposition of fines as provided in § 10.99 of the Code, the Court upon request shall order such injunctive relief as is appropriate and necessary to prevent a child from committing further violations of this chapter. (Ord. 2006-18, passed 8-7-06)

§ 130.06 CURFEW; RESPONSIBILITY OF PARENT, GUARDIAN, OR CUSTODIAN.

It is unlawful for a parent, guardian or custodian of a child under the age of 18 years recklessly to cause, suffer, or allow that child to commit a curfew violation under this chapter. If a parent, guardian, custodian, or child is charged with a second or subsequent violation of this section of this chapter, there shall be a presumption that he or she is responsible under this section for the child's violation of this chapter. (Ord. 2006-18, passed 8-7-06)

WEAPONS; HUNTING

§ 130.15 DEFINITIONS.

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

"WEAPON." Unless the context otherwise indicates:

(1) A loaded or unloaded air rifle, BB gun, or pellet gun.

(2) A bow, crossbow, compound bow, or device from which an arrow or other missile or projectile of any kind may be projected; or

(3) Any type of firearm. (Ord. 1978-2, passed 4-17-78)

§ 130.16 DISCHARGING OF WEAPONS PROHIBITED; EXCEPTION.

It shall be unlawful for any person to discharge any weapon within the city limits, unless the weapon is discharged by a law enforcement officer in the lawful performance of his duty; by a person lawfully protecting himself or another person; lawfully protecting property; by a

person under lawful permit aiming or shooting at a target in a target area designated as such by the Common Council under the supervision of the Police Department of the city; or aiming or shooting at a target within the confines of any enclosed building, provided the weapon is discharged into a target or device capable of containing any projectile discharged therefrom, located within that building.

(Ord. 1978-2, passed 4-17-78) Penalty, see § 10.99

§ 130.17 AIMING OF WEAPONS.

It shall be unlawful for any person to aim any weapon, loaded or unloaded, at or toward any other person unless the weapon is aimed by a law enforcement officer in the lawful performance of his duty or by a person lawfully protecting himself or lawfully protecting property.

(Ord. 1978-2, passed 4-17-78) Penalty, see § 10.99

§ 130.18 HUNTING ANIMALS PROHIBITED; EXCEPTION.

It shall be unlawful for any person to hunt, shoot at, pursue, injure, or kill any domestic or wild animal, protected or unprotected by law, by or with any weapon or device created or constructed for that purpose within the city limits, provided, that this section shall not apply to the lawful slaughter of any animals in a lawfully operated slaughterhouse.

(Ord. 1978-2, passed 4-17-78) Penalty, see § 10.99

§ 130.19 APPLICATION FOR LICENSE TO CARRY HANDGUN; APPLICATION FOR TRANSFER.

(A) The city shall hereafter pursuant to the provisions of IC 35-47-2-1 through 35-47-2-24 collect and receive applications for the carrying of handguns pursuant to IC 35-47-2-3 and process those applications as provided therein and distribute the funds collected from the applications as provided by the State Board of Accounts under rules and regulations now and hereafter promulgated by the State Board of Accounts.

(B) In addition thereto there shall be charged a fee of \$5 for the receipt of an application for transfer of a handgun pursuant to IC 35-47-2-10 by the officials of the city and the funds deposited and disbursed as provided therein. (Ord. 1983-24, passed 12-19-83)

OTHER OFFENSES

§ 130.25 SMOKING IN CITY HALL PROHIBITED; PENALTY.

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

"PERSON." Any man, woman, or child, regardless of age.

"PORTLAND CITY HALL." The enclosed structure owned, leased or otherwise occupied by the City of Portland's administrative offices, including, but not limited to, all areas within said building or any addition thereto.

"SMOKE OR SMOKING." To ignite or cause to be ignited tobacco or a tobacco product or derivative, which includes, but is not limited to tobacco, or a derivative thereof, such that the product or derivative emits a gas or cloud which is commonly understood to be smoke, which may be or is intended to be inhaled by any person.

(B) No person shall have in his/her possession any lighted tobacco product, tobacco derivative, including, but not limited to pipes, cigars, cigarettes or other devices used for the smoking of tobacco or tobacco-like products, which includes, but is not limited to, tobacco or a derivative thereof, while within the Portland City Hall at any time, whether during the operating hours of the offices, or in attending a public meeting or function.

(C) Penalty. Whoever violates any provision of this section commits an infraction and is subject to a penalty of not less than \$25 and not more than \$2,500. (Ord. 2001-6, passed 6-18-01; Am. Ord. 2006-18, passed 8-7-06)

§ 130.26 SYNTHETIC CANNABINOID.

(A) It is hereby declared to be unlawful for any person to use, possess, purchase, attempt to purchase, sell, publicly display for sale or attempt to sell, give, or barter any one or more of the following chemicals within the boundaries of the city:

(1) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol {also known as CP 47,497 and its C6, C7, C8 and C9 homologues};

(2) (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-ol {also known as HU-210};

(3) Naphthalen-1-yl-(1-pentylindol-3-yl)methanone {also known as 1Pentyl-3-(1-naphthoyl)indole or JWH-073}.

(4) Naphthalen-1-yl-(1-butylindol-3-yl)methadone {also known as 1-Butyl-3-(1-naphthoyl)indole or JWH-073}.

(B) This section shall be enforced by the Portland Police Department. If any of the substances listed in division (A) herein are found in the possession of any person, they may be confiscated and destroyed by law enforcement officials.

(C) It is not an offense under division (A) herein if the person was acting at the direction of an authorized law enforcement agent to enforce or ensure compliance with this law prohibiting the sale of the aforementioned substance.

(D) This section does not apply to any person who commits any act described in this section pursuant to the direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act. This section likewise does not apply to the inhalation of anesthesia for a medical purpose or dental purpose.

(E) Any business found to be in violation of this section will be subject to a civil fine of \$2,500. Any person found in violation of this section will be guilty of a civil fine not to exceed \$1,000.

(F) The City Attorney shall have the authority to seek an injunction to close any business which refuses to or fails to comply with this section.

(G) If any provision of this section is held invalid, such invalidity shall not affect the remaining provisions of this section which shall remain effective absent the invalid provision, and to this end, the provisions of this section are declared severable.

(Ord. 2010-11, passed 9-7-10)

