

**TITLE XIII: GENERAL OFFENSES**

Chapter

**130. FIREARMS**

**131. CURFEW**



## CHAPTER 130: FIREARMS

### Section

- 130.01 Definition
- 130.02 Discharge of firearms in city prohibited
- 130.03 Exceptions
  
- 130.99 Penalty

#### § 130.01 DEFINITION.

As used herein, ***FIREARM*** shall mean any weapon designed to shoot bullets or other potentially lethal missiles by means of an explosive charge, or other means of propulsion, including but not limited to hand guns, rifles, and shotguns.

(1997 Code, § 1020.2)

#### § 130.02 DISCHARGE OF FIREARMS IN CITY PROHIBITED.

It shall be unlawful to discharge any firearm within the city; provided, however, that this section shall not be construed to prohibit any officer of the law from discharging a firearm in the performance of his or her duty, or any citizen from discharging a firearm when lawfully defending person or property.

(1997 Code, § 1020.1) Penalty, see § 130.99

#### § 130.03 EXCEPTIONS.

Notwithstanding the provisions of this chapter, the city, acting through the City Commission, may, by written permit, allow shooting outside of designated limits on particular occasions, or in designated places.

(1997 Code, § 1020.3)

**§ 130.99 PENALTY.**

(A) Any person who violates any provision of this chapter for which no penalty is otherwise provided shall, upon conviction, be fined not less than \$10 nor more than \$500 for each offense provided, however, in the event the fine provided for in Kentucky Revised Statutes for such conduct exceeds the fine herein provided, such increased fine shall apply.

(1997 Code, § 1090.1)

(B) Any person violating the provisions of § 130.02 shall be fined not less than \$50, nor more than \$500, for each offense, and a separate offense shall be deemed committed with each discharge of any firearm.

(1997 Code, § 1090.2)

## CHAPTER 131: CURFEW

### Section

- 131.01 Definitions
- 131.02 Hours
- 131.03 Exceptions
- 131.04 Police questioning; reasonable cause
  
- 131.99 Penalty

### § 131.01 DEFINITIONS.

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

**ALLOW.** Either permit or neglect to 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 child violating this section, or the circumstances must be such that a reasonably prudent parent or guardian should have known the child was violating this section.

**MINOR.** Any person under the age of 18, or, as may be otherwise phrased, any person of the age of 17 or under.

**PARENT.** Any person having legal custody of a minor:

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

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

**§ 131.02 HOURS.**

(A) It shall be unlawful for any person under the age of 18 to be or remain in or upon any public assembly, building, place, street, or highway within this city at night during the following periods:

- (1) 12:00 a.m. to 6:00 a.m. Saturday;
- (2) 12:00 a.m. to 6:00 a.m. Sunday;
- (3) 11:00 p.m. Sunday to 6:00 a.m. Monday;
- (4) 11:00 p.m. Monday to 6:00 a.m. Tuesday;
- (5) 11:00 p.m. Tuesday to 6:00 a.m. Wednesday;
- (6) 11:00 p.m. Wednesday to 6:00 a.m. Thursday; and
- (7) 11:00 p.m. Thursday to 6:00 a.m. Friday.

(B) It shall be unlawful for any parent or guardian having legal custody of a minor to allow such minor to be or remain in or upon a public assembly, building, place, street, or highway in the city under circumstances not constituting an exception as enumerated in § 131.03 during the time periods contained in division (A) above.

Penalty, see § 131.99

**§ 131.03 EXCEPTIONS.**

In the following exceptional cases, a minor in or upon any public assembly, building, place, street, or highway in the city during the nocturnal hours provided for in § 131.02 shall not be considered in violation of this section:

- (A) When the minor is accompanied by a parent or guardian;
- (B) When accompanied by an adult authorized by a parent or guardian of such minor;

(C) 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, provided that written notice signed by the minor and countersigned by a parent is in the possession of such minor specifying when, where, and in what manner said minor will be exercising such First Amendment rights;

(D) In case of reasonable necessity but only after such minor's parent has communicated to the Police Department the facts establishing such reasonable necessity;

(E) When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk or either next-door neighbor who has not communicated an objection to a police officer or the Police Department;

(F) When returning 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 justification indicating the place and time of termination of said event can be given to any investigating officer of the Police Department;

(G) When authorized by executive order issued by the Mayor of the city in cases of reasonable necessity involving more minors than may reasonably be dealt with on an individual basis. Such regulation should be issued sufficiently in advance to permit publicity through news media and through other agencies such as the schools. 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. The Mayor of the city shall notify the Police Department of said information;

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

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

(J) 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, including all minors that may also be within the vehicle.

**§ 131.04 POLICE QUESTIONING; REASONABLE CAUSE.**

(A) A police officer upon finding or being notified of any minor in or upon any public assembly, building, place, street, or highway whose parent is believed to be in violation of this section may stop and question such minor and request such information as his or her name and age and the name and address of his or her parent, guardian, or person having legal custody.

(B) If the police officer determines or has reasonable cause to believe that a curfew violation has occurred, the police officer may obtain from the minor the information necessary to issue a citation to the minor's parent, guardian, or person having legal custody and then either take the minor to his or her home or direct the minor to proceed immediately to his or her home.

**§ 131.99 PENALTY.**

Any parent, guardian, or person having legal custody allowing a minor to violate § 131.02(A) shall be subject to a fine of no more than \$500 or imprisonment for a period not to exceed six months or both.