**TITLE XIII: GENERAL OFFENSES**

Chapter

**130.** **GENERAL OFFENSES**

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Section

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**130.01 INDECENT EXPOSURE.**

(A) It is unlawful for any person on premises licensed for the sale of alcoholic beverages, while in the presence of any other person, to:

(1) Fail to conceal, with a fully opaque covering, the sexual parts of such person's body, to include the genitals, pubic area and anus of any person or the nipple and areola of the female breast; and/or

(2) Expose any device, costume or covering which gives the appearance of, or simulates, the genitals or pubic area of the male or female body or the nipple or areola of the breast.

(B) It is unlawful for any licensee in alcoholic beverages to cause, allow or permit any person on the licensed premises to violate the provisions of division (A) above.

(Ord. 96‑3, passed 5‑6‑1996) Penalty, see  130.99

**130.02 CURFEW.**

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

(1) ***CURFEW HOURS.***

(a) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday, or Thursday until 6:00 a.m. of the following day; and

(b) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.

(2) ***EMERGENCY.*** An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes but is not limited to a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

(3) ***ESTABLISHMENT.*** Any privately owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

(4) ***GUARDIAN.***

(a) A person who, under court order, is the guardian of the person of a minor; or

(b) A public or private agency with whom a minor has been placed by a court.

(5) ***MINOR.*** Any person under 17 years of age.

(6) ***OPERATOR.*** Any individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

(7) ***PARENT.*** A person who is:

(a) A natural parent, adoptive parent, or step‑parent of another person; or

(b) At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

(8) ***PUBLIC PLACE.*** Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

(9) ***REMAIN.***

(a) Linger or stay; or

(b) Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

(10) ***SERIOUS BODILY INJURY.***  Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(B) *Offenses.*

(1) A minor commits an offense if he remains in any public place or on the premises of any establishment within the city during curfew hours.

(2) A parent or guardian of a minor commits an offense if he or she knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(3) The owner, operator, or any employee of an establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(C) *Exemptions.*

(1) It is a exemption to division (B) that the minor was:

(a) Accompanied by the minors parent or guardian;

(b) On an errand at the direction of the minors 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 any detour or stop;

(e) Involved in an emergency;

(f) On the sidewalk abutting the minors residence or abutting the residence of a next‑door neighbor if the neighbor did not complain to the Police Department about the minors presence;

(g) Attending 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, 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 disabilities of minority removed in accordance with state law.

(2) It is a defense to prosecution under division (B)(3) that the owner, operator, or employee of an establishment promptly notified the police department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(D) *Enforcement.* Before taking any enforcement action under this section, a police officer shall ask the apparent offenders age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, including any investigation additional to the actions required by this division (D) as a reasonable person would deem necessary, no exemption in division (C) is present.

(Ord. 91‑1, passed 8‑5‑1991) Penalty, see  130.99

**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 of this code of ordinances.

(B) Any person convicted of a violation of  130.01 of this chapter may be fined in an amount not to exceed the sum of $200.

(Ord. 96‑3, passed 5‑6‑1996)