

CHAPTER 130: GENERAL PROVISIONS

Section

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§ 130.01 FIREARMS.

It shall be unlawful for any person, other than a member of the Police Department, police officer or peace officer or any person lawfully authorized by any of them to do so, to discharge or fire any firearm, air gun, BB gun, or pellet gun within the corporate limits of the city.
(Prior Code, § IV-3-1) (Ord. 5-73, passed 5-8-1973) Penalty, see § 130.99

§ 130.02 LOITERING.

(A) It shall be unlawful and shall be a violation of this section for any person to loiter or prowl in a place at a time or in a manner unusual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity.

(B) Among the circumstances which may be considered in determining whether such alarm is warranted is the fact the actor takes flight upon the appearance of a peace officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself, herself, or any object.

(C) Unless flight by the actor or other circumstances make it impractical, a peace officer shall, prior to any arrest for an offense under this section, afford the actor an opportunity to dispel any alarm which would otherwise be warranted by requesting him or her to identify himself or herself, and explain his or her presence and conduct.

(D) No person shall be convicted of an offense if the police officer or peace officer did not comply with division (C) above, or if it appears at trial that the explanation by the actor was true and, if believed by the peace officer at the time, would have dispelled the alarm.

(E) (1) A person, who, having no legal privilege to do so, purposely or recklessly obstructs any highway or other public passage, whether alone or with others, commits a violation, and in case he or she persists after warning by a law officer, a separate violation. **OBSTRUCTS** means renders impassable without unreasonable inconvenience or hazard.

(2) No person shall be deemed guilty or recklessly obstructive, in violation of division (E)(1) above, solely because of a gathering of persons to hear an individual speak or otherwise communicate, or solely because of being a member of such gathering.

(Prior Code, § IV-3-2) (Ord. 15-81, passed 10-13-1981) Penalty, see § 130.99

§ 130.03 EVENTS ON CITY STREETS.

(A) It shall be unlawful for any person, firm, partnership, association, or corporation to exhibit, for profit or gain, any carnival, tent, theatrical show, or any street shows upon the public streets of the city. Such carnival, tent, theatrical show, or any street show upon the public streets of the city is hereby declared to constitute a public nuisance which may be abated.

(B) Any member of the Police Department or Public Works Departments of said city shall have the authority to remove the public nuisance described in this section without first giving notice to the owner or owners thereof. The owner of said personal property shall not be entitled to the possession of the same until the costs of moving and storage, if any, on said property is paid.

(C) Excepted from the operation of this section are exhibitions not for profit or gain, and street dances held by associations or organizations that have first secured the written permission of the Mayor and the majority of the Common Council.

(Prior Code, § IV-3-5) (Ord. 628A-60, passed - -1960) Penalty, see § 130.99

§ 130.04 HALLOWEEN.

The celebration and solicitation of treats for Halloween shall be limited to one day during the month of October each year. The Common Council shall designate, on or about October 1 of each year, the day and the hours during which solicitation of treats for Halloween shall be made. The citizens of the city are requested to cooperate by leaving his or her porch lights on during the period of time so designated by the Common Council, and the treating of children be limited to the time so designated.

(Prior Code, § IV-3-4) (Ord. 8-75, passed 10-14-1975)

§ 130.05 SMOKING NOT PERMITTED IN CITY MUNICIPAL BUILDING.

There shall be no smoking in the city municipal building.

(Prior Code, § IV-3-3.2) (Ord. 1993-21, passed 1-10-1994)

§ 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 who violates § 130.01 shall be fined in the sum of \$25 for each offense so committed by him or her.

(Prior Code, § IV-3-1)

(C) Any person who violates § 130.02 shall, upon conviction, be subject to a fine of not less than \$25 nor more than \$200.

(Prior Code, § IV-3-2)

(Ord. 5-73, passed 5-8-1973; Ord. 15-81, passed 10-13-1981)