

TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES AGAINST TOWN REGULATIONS

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Section

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CURFEWS

§ 130.01 ESTABLISHING HALLOWEEN CURFEW.

(A) The town establishes a curfew for the time period beginning October 15 and ending November 1 of each year pursuant to I.C. 31-37-3-2 through 31-37-3-5.

(B) The Town Council determines that the curfew time established by I.C. 31-37-3-2 and 31-37-3-3 is later than reasonable for public safety during the conditions existing in the town between October 15 and November 1 of each year, and advances the curfew time within its jurisdiction by two hours during that period.

(C) The Council may adopt rules governing “trick or treating” during this period.
(Prior Code, § 130.01)

§ 130.02 HALLOWEEN CURFEW.

(A) “Trick or treating” shall be permitted in town only on the evening of October 31 of each year from the hours of 6:00 p.m. to 8:00 p.m.

(B) Only minors under the age of 12 years are permitted to trick or treat, and all trick or treaters must be accompanied by at least one adult over 18 years of age.

(C) It shall be unlawful for any individual under the age of 18 years to be upon the streets, alleys, parks, or public places in the corporate limits of the town between the hours of 10:00 p.m. and 6:00 a.m., during the period beginning at 10:00 p.m. on October 15 of each year and ending at 6:00 a.m., on November 1 of each year. This section does not apply to a child who is:

- (1) Accompanied by his or her parent, guardian, or custodian;
- (2) Accompanied by an adult specified by his or her parent, guardian, or custodian;
- (3) Participating in, going to, or returning from:
 - (a) Lawful employment;
 - (b) A school sanctioned activity; or
 - (c) A religious event.
- (4) Exempted under division (E) below

(D) The police officers of the town are instructed to investigate any violation of this section and report any violations thereof to appropriate juvenile authorities and agencies.

(E) It is an exemption to a violation under this section that the person engaged in the prohibited conduct while:

- (1) Accompanied by the minor’s parent or guardian;
- (2) On an errand at the direction of the minor’s parent or guardian, without any detour or stop;
- (3) In a motor vehicle involved in interstate travel;
- (4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;

(5) Involved in an emergency;

(6) On the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence;

(7) 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;

(8) 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

(9) Married or had been married or had disabilities of minority removed, in accordance with state law.

(Prior Code, § 130.02) (Res. passed 10-18-1988) Penalty, see § 10.99

FIREARMS

§ 130.15 DISCHARGE OF FIREARMS.

(A) No person shall fire an air pistol, air rifle, pellet gun, or any device propelling a missile by gas within or into the town limits of the town.

(B) No person shall purposely point or aim an air pistol, air rifle, pellet gun, or any device for propelling a missile by gas, either loaded or empty, at or toward any person or property within the town except:

(1) Any authorized law enforcement officer in pursuit of his or her duty; or

(2) Any person who is attacked, or reasonably believes himself or herself to be in danger of attack and injury to his or her person or property, and discharges any weapon to preserve or defend his or her safety, or the safety of his or her property.

(C) No person shall carry on his or her person an air pistol, air rifle, pellet gun, or any device propelling a missile by gas within the town limits between the hours of 8:00 p.m. and 6:00 a.m.

(Prior Code, § 130.16) Penalty, see § 10.99

FIREWORKS**§ 130.30 DEFINITION.**

For the purpose of this subchapter, the following definition applies unless the context clearly indicates or requires a different meaning.

FIREWORKS. Includes those of which explode or shoot projectiles into the air, such as bottle rockets, Roman candles, firecrackers which explode, and aerial bombs and similar fireworks, but does not include, for the purpose of this subchapter, non-explosive fireworks such as pinwheels, fountains, sparklers, or similar fireworks.

(Prior Code, § 130.30) (Ord. passed 8-21-1990)

§ 130.31 FIREWORKS DISPLAY.

This subchapter shall not apply to a fireworks display sponsored by an organization or a group which has complied with the laws of the state requiring the obtaining of a permit for such display, obtaining proof of liability insurance in an amount specified by statute and the employment of a licensed handler where required by statute. However, no organization, nor group, shall stage, sponsor, or cause such to be ignited within 300 feet of any residence.

(Prior Code, § 130.31) (Ord. passed 8-21-1990) Penalty, see § 10.99