

TITLE XIII: GENERAL OFFENSES

Chapter

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§ 130.01 CURFEW.

(A) *Designated.*

(1) It is a curfew violation for a child 15, 16, or 17 years of age to be in a public place:

- (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.

(2) A law enforcement officer may not detain a child or take a child into custody based on a violation of this chapter unless the law enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that:

- (a) The child has violated this chapter; and
- (b) There is no legal defense to the violation. (IC 31-37-3-2)

(3) It is a curfew violation for a child under 15 years of age to be in a public place after 11:00 p.m. or before 5:00 a.m. on any day.

(4) A law enforcement officer may not detain a child or take a child into custody based on a violation of this chapter unless the enforcement officer, after making a reasonable determination and considering the facts and surrounding circumstances, reasonably believes that:

- (1) The child has violated this chapter; and
- (2) There is no legal defense to the violation. (IC 31-37-3-3)
- (3) This section does not apply to a child who is:
 - (a) Accompanied by his parent, guardian, or custodian;
 - (b) Accompanied by an adult specified by his parent, guardian, or custodian; or
 - (c) Participating in, going to, or returning from:
 - (i) Lawful employment;
 - (ii) A school sanctioned activity; or
 - (iii) A religious event.

(B) *Parent or guardian responsibility.* It is unlawful for any parent, guardian or other person having legal custody of any person under the age of 18 years to allow or permit such child, ward or other

person under such age, while in his or her legal custody, to go or be in or upon any of the streets, alleys or public places in the town within the time prohibited in division (A) of this section unless there exists a reasonable necessity. ('80 Code, § 9.12.020)

(C) *Taking child into custody.*

(1) A child may be taken into custody by any law enforcement officer under an order of the Court.

(2) A child may be taken into custody by an law enforcement officer acting with probable cause to believe that the child is wilfully violating the provisions of division (A).

(3) No child or minor person arrested under the provisions of this section shall be placed in confinement until the parent, guardian, or other person having legal custody of such person under the age of 18 years has first been contacted by the police department to ascertain the wishes of the parent, guardian, or other person having legal custody of such person under the age of 18 years, and the parent, guardian, or other person having legal custody of such person under the age of 18 years has refused to be held responsible for the observance of the provisions of this section by the minor person. (Ord. 6-1961, passed - -61) Penalty, see § 130.99

§ 130.02 FIREARMS AND WEAPONS.

(A) *Discharge of weapons.* It shall be unlawful for any person, except police officers in the performance of their duties, to point, aim, fire, discharge, or shoot any gun, pistol, rifle, revolver, shotgun, slingshot, explosive, or firework (except as provided for and allowed under § 93.101) within the town limits except as specifically provided in herein.

(B) *Town Hall.* It shall be unlawful and a violation of this section for any person to carry or possess, or to permit or allow to be carried any type of firearm or other weapon in or on the premises of the Lowell Town Hall located at 501 East Main Street, Lowell, IN 46356.

(C) The regulations and prohibitions of this section shall not apply to any sworn police officer, judicial officer, or members of the United States Armed Forces in the performance of their duties. ('80 Code, § 9.16.010) (Ord. 144, passed - -17; Am. Ord. 1979, passed - -79; Am. Ord. 2000-29, passed 1-18-01; Am. Ord. 2016-01, passed 1-25-16) Penalty, see § 130.99

Statutory reference:

Authority of town to regulate use of firearms, see IC 36-8-2-4

§ 130.03 LOITERING.

(A) A person commits a violation if he or she loiters or prowls in a place, at a time, or in a manner not usual for law-abiding individuals under circumstances that warrant alarm for the safety of persons or property in the vicinity. Among the circumstances which may be considered in determining whether alarm is warranted is the fact that the person takes flight upon appearance of a police officer, refuses to identify himself or herself, or manifestly endeavors to conceal himself or herself or any object. Unless flight by the person or other circumstances makes it impractical, a police officer shall, prior to any arrest for an offense under this section, afford the person an opportunity to dispel any alarm which would otherwise be warranted, by requesting the person to identify himself or herself and to explain his or her presence or conduct. No person shall be convicted of an offense under this section if the police officer did not comply with the preceding sentence, or if it appears at trial that the explanation given by the person was true and, if it had been believed by the police officer at the time, would have dispelled the alarm. Any police officer may arrest any person suspected of being a loiterer or prowler without a warrant if it reasonably appears that the delay in arresting the suspect caused by obtaining a warrant would result in the suspect's escape.

(B) It shall be unlawful for any person, after first being warned by a police officer, or where a "no loitering" sign or signs have been posted, to loiter, stand, sit, or lie in or upon any public or quasi-public sidewalk, street, curb, crosswalk, walkway area, mall

or that portion of private property utilized for public use, so as to hinder or obstruct unreasonably the free passage of pedestrians or vehicles thereon. It shall be unlawful for any person to block, obstruct, or prevent free access to the entrance to any building open to the public.

(C) For the purpose of this section, **PUBLIC PLACE** has the following definition unless the context clearly indicates or requires a different meaning: an area generally visible to public view, including streets, sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving or not), and buildings open to the general public, including those which serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.

Penalty, see § 130.99

§ 130.04 HUNTING PROHIBITED.

No person within the confines of the Town of Lowell shall hunt, pursue with dogs, use walkie-talkie

radios, or planes, drones, or in any other way hunt any wild bird or animal found within the confines of the town, or rob or disturb any animal den or bird nest, or take any eggs of any bird, except by specific written permit issued by the Town Council. (Ord. 2018-09, passed 5-14-18)

§ 130.99 PENALTY.

(A) Whoever violates any provision of this chapter for which no other penalty has been established, shall be punished as provided in § 10.99.

(B) The violation of any provision of § 130.02, and as may be amended from time to time, in addition to any other penalties prescribed under any other applicable state, federal or local law, shall be punishable by a fine not to exceed \$2,500 and each violation of § 130.02 shall constitute a separate offense.

(Ord. 2000-29, passed 1-8-01)

