

CITY OF MOLENA

(17) 1/8

ORDINANCE NO. 17

AN ORDINANCE OF THE CITY OF MOLENA RELATING TO PUBLIC
PROPERTY; CONDUCT; AND OFFENSES;

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MOLENA:

Public property; injuring, defacing; etc. §1

It shall be unlawful for any unauthorized person willfully, maliciously, wantonly, negligently or otherwise to injure, deface, destroy, tamper or interfere with, or remove real property or improvements thereto, or moveable or personal property belonging to or under supervision or control of the city.

Same; removing dirt, materials, etc. §2

It shall be unlawful for any unauthorized person to move, disturb, or take any earth, stone, or other material from any public property.

Trees, cutting or defacing, §3

It shall be unlawful for any person to cut, deface or destroy any shade tree on public property in the city unless authorized by the city.

Encroachments on public property, §4

(a) It shall be unlawful for any person to erect, maintain or permit to be erected or maintained, any encroachment or obstruction whatsoever upon, over or under the public property or ways of the city without the written permission of the governing body.

(b) If at any time it shall appear that any person is unlawfully encroaching upon, or maintaining any unlawful obstruction in any part of a public way, it shall be the duty of any law enforcement officer to give notice to said party, ordering the removal of such encroachment or obstruction; and if such encroachment or obstruction is not removed within 24 hours after receipt of said notice, or such other reasonable time as may be designated by the governing body, it shall be the duty of the law enforcement officer to cause any such encroachment or obstruction to be summarily removed, and the cost and expense thereof shall be charged to the person maintaining the same.

Safe sidewalks and streets. §5

(a) It shall be unlawful for any person to stand in, sit in, or otherwise obstruct any public passage, public place, or public way, as such is defined by the law of the state, so as to impede

the normal, free and uninterrupted passage of the public, and to refuse to desist from so doing when ordered to do so by the police or other lawful authority.

(b) A public passage, public place or public way shall include all public passages and buildings, as well as private businesses open to the public.

False alarms. §6

No person shall intentionally make, turn in, or give a false alarm of fire, or of need for police or ambulance assistance, or aid or abet in the commission of such act.

False reports of crimes. §7

No person within the city shall make to, or file with, the police department of the city or any police officer of the city any false, misleading, or unfounded statement, or report concerning the commission or alleged commission of any ordinance violation occurring within the city.

Children playing in streets. §8

(a) It shall be unlawful for any minor child to play in the streets of the city.

(b) It shall be unlawful for any parent, guardian, or other person having the control or custody of any minor to permit, allow, or encourage such minor to play in any street in the city.

Curfew for minors. §9

(a) It shall be unlawful for any person under the age of 14 years to be away from his home between the hours of 9:00 p.m. and 6:00 a.m. or for any person from age 14 years to age 18 to be away from his home between the hours of 12:01 a.m. and 5:30 a.m. It shall be unlawful for said persons, during said designated periods of time, to loiter, idle, wander, stroll, or play in or upon the public streets, highways, roads, alleys, parks, playgrounds, or other public grounds, public places, and public buildings, places of amusement and entertainment, vacant lots, or other unsupervised places; provided, however, that the provisions of this section shall not apply to a minor accompanied by his parent, guardian, or other adult person having legal care and custody of the minor or where the minor is upon emergency errand or legitimate business, such as, but not limited to returning home from work or from school sponsored activities, and directed by his parent, guardian, or other adult person having legal care and custody of the minor.

Disorderly conduct. §10

(a) It shall be unlawful for any person within the corporate limits of the city to violate any of the following subsections:

(1) any person who shall act in a violent or tumultuous manner toward another;

(2) any person who shall endanger the lawful pursuits of another by acts of violence, threats or abusive conduct;

(3) any person who shall cause, provoke or engage in any fight, brawl or riotous conduct.

(4) any person who shall assemble or congregate with another or others for the purpose of causing, provoking or engaging in any fight or brawl;

(5) any person who shall be found jostling or roughly crowding or pushing any person in public;

(6) any person who shall collect in bodies or in crowds for unlawful purposes as defined by the current ordinances of the city or laws of this state;

(7) any person who shall assemble or congregate with another or others for the purpose or with the intent to engage in gaming;

(8) any person who shall frequent any public place with intent to obtain money from other persons by illegal and fraudulent schemes, tricks, artifices or devices;

(9) any person who assembles for the purpose of engaging in any fraudulent scheme, device or trick to obtain any valuable thing in any place or from any person in said city, or who shall aid or abet therein;

(10) any person who shall accost or attempt to force his company upon any female or attempt to pick up any female;

(11) any person who utters in the presence of another, any bawdy, lewd or obscene words or epithets;

(12) any person who frequents any place where gaming or illegal sale or possession of alcoholic beverages or narcotics or dangerous drugs is practiced, allowed or tolerated;

(13) any person who shall act in a dangerous manner toward others;

(14) any person who shall use "fighting words" directed towards any person;

(15) any person who shall assemble or congregate for the purpose of trouncing upon another;

(16) any person who shall by acts of violence interferes with another's pursuit of a lawful occupation;

(17) any person who shall congregate with another or others in or on any public way so as to halt the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered by the city police or other lawful authority;

(18) any person, participant, or official who is in attendance at any sporting event over which the city has any supervisory capacity, who through speech or physical conduct acts unseemly and who repeatedly annoys, offends, and imposes himself upon others in attendance; or

(19) any person within the city limits who directs language to another in an abusive or demeaning manner which contains epithets relating to sexual reproduction, lineage, incest, chastity or excretion.

(b) any person who shall violate any subsection of this section may be charge with the offense of "disorderly conduct" and on conviction thereof, may be found guilty of disorderly conduct.

Disorderly houses. §12 ^h

It shall be unlawful for any person to keep, rent or let any house, hall or room, within the corporate limits of the city, for the congregating of disorderly, noisy or riotous persons, or where disorderly, riotous or noisy persons assembly to the disturbance of the neighborhood or some part thereof.

Drunkenness in public places. §12

Any person who shall be and appear in an intoxicated condition on any public street or highway or within the curtilage of any private residence, not in the exclusive possession of the person or persons so intoxicated, or upon any fairgrounds, ballgrounds, showgrounds, park or any other place of public gathering or assembly, or private property used by the public, which said drunkenness or intoxication may be caused by the excessive use of intoxicating wines, beers, liquors, drugs, and has manifest itself by boisterous or disorderly conduct, or by indecent condition or acts, or by vulgar, profane or unbecoming language, or loud and violent discourse of the person or persons so intoxicated or drunken; shall be guilty of public drunkenness.

Loitering. §13

(a) Loitering shall mean remaining idle in essentially one location and shall include the concepts of spending time idly, loafing, walking about aimlessly, or sitting on cars, trucks, or other vehicles, and shall include the colloquial expression "hanging around". It shall be unlawful for any person to loiter within the city on private or public property in such a manner as to:

- (1) create or cause to be created a danger of a breach of the peace;
- (2) create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
- (3) obstruct the free passage of pedestrians or vehicles;
- (4) obstruct, molest, or interfere with any person lawfully in any public place; or
- (5) soliciting or procuring another to commit in an act of prostitution, sodomy, masturbation for hire or pandering.

Police officers; resisting; obstructing; following. §14

(a) It shall be unlawful for any person to resist any police officer, any member of the police department, or any other person duly empowered with police authority, while in the discharge or apparent discharge of his duty, or in any way interfere with, obstruct or hinder him in the discharge of this duty.

Same; impersonating. §15

It shall be unlawful for any person to wear or carry the uniform, apparel, badge, identification card or any other insignia of office, like or similar to, or a colorable imitation of

that adopted and worn or carried by the official police officers of the city, unless such person is an official officer of the city.

Prisoners, escapes. §16

No person within the city shall do any act set forth in this section in connection with the escape of prisoners:

(1) Assisting in the escape of prisoners. No person shall make available to, present, or place within the reach of, any person confined under authority of the city, any intoxicating or malt liquors, or any tool, implement, or other thing calculated to aid in the escape of such person so confined or any other person confined under authority of the city or confined by police officers of the city.

(2) Aiding escapees. No person shall assist or aid, or attempt to assist or aid any person in the custody of or confined under the authority of the city, to escape from jail, place of confinement or custody.

(3) Escape from jail. No person while a prisoner in the city jail, or in any other place where prisoners are confined or otherwise in custody of and confined by the city or police officer of the city, shall escape or attempt to escape or to assist others to escape or attempt to escape from such custody or confinement.

Knives, razors and ice picks. §17

It shall be unlawful for any person to have, possess, or carry upon the streets, alleys, sidewalks, or in any public place in the city any of the following implements unless same are securely wrapped so as not to be readily available for harmful use:

(1) Any knife which has a blade which opens automatically by hand pressure applied to a button, spring, or other device in the handle, the blade of which when open projects from the handle more than two (2) inches.

(2) Any knife which has any obstruction or other device of any kind which holds the blade partly open, the blade of which when open projects from the handle more than two (2) inches.

(3) Any knife of any kind, the blade of which when open projects from the handle more than three (3) inches. This is intended to include all knives such as butcher knives and/or knives which do not close and any type of knife with the blade open.

(4) Any razor or razor blade.

(5) Any ice pick or similar device having a sharp point, except this shall not apply to any person delivering ice.

FIRE
ARMSDischarge of firearms in the city. §18

It shall be unlawful for any person to discharge any firearm in the corporate limits of the city except in defense of person. This section shall not apply to authorized officers of the law in their official capacity, nor to the discharge of firearms at licensed or municipality operated pistol ranges or at ceremonial functions for which a permit for the discharge of firearms has been obtained.

Possession of marijuana unlawful; penalty. §19

(a) It shall be unlawful for any person to possess one (1) ounce or less of marijuana within the corporate limits of the city.

(b) Any person guilty of violating this section shall be punished as provided in section 1-1-8 of this code.

(c) No person alleged to have violated subsection (a) above shall be allowed to elect to be treated as an ordinance violator other than on the first such occasion of such violation.

Loud and unnecessary noises. §20

(a) It shall be unlawful for any person to make, continue, or cause to be made or continued any loud, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others.

Impoundment of livestock or fowl at large. §21

If any animal or fowl impounded by the city shall not be claimed and redeemed by the owner, or keeper thereof, within four (4) days after impounding, the chief of police shall advertise the same for sale by posting three (3) written or printed notices of such sale, one (1) at the gate or door of the pound and two (2) at any other conspicuous place within the city, for not less than three (3) consecutive days previous to such sale. On the day named for such sale, unless the animal shall be redeemed, the chief of police shall sell the animal at public auction, to the highest bidders, and shall pay over the proceeds to the city clerk. The owner or person charged with the care of any animal so impounded may redeem such animal prior to the sale upon payment of such charges as fixed from time to time by the mayor and council and compliance with such regulations governing redemption as are established by the city.

Mistreatment of animals; provision of adequate shelter. §22

It shall be unlawful for any person to overload, cruelly treat, maim, bruise, abuse, mistreat, torture, deprive of necessary sustenance, ill use or otherwise wrongfully deal with any domestic animal or fowl or otherwise treat such domestic creatures in a harsh, inhumane or unreasonable manner. Shelter for horses, cattle or other domestic animals shall be provided to protect such creatures against inclement weather and extreme temperatures/

Poisoning animals. §23

It shall be unlawful for any person to put out or cause to be put out any substance within reach of any domestic animals which is poisonous or harmful to the animal.

Running at large prohibited; leash required. §24

Any person owning or having custody of a dog or cat within the city shall be required to confine such dog or cat on the premises of the owner of the animal, or on the premises of some responsible person authorized by the owner. Dogs and cats shall not be permitted to run at large on any streets, alleys, or any other place in the city other than the premises of the guardian or owner of the dog or cat while in the presence of the guardian, owner or other competent person authorized by the owner, except on a leash not more than six (6) feet long and in the care of a competent person.

Duty to keep animal under restraint while on property. §25

It shall be the duty of every owner of any animal, or anyone having any animal in his possession or custody, to insure that it is enclosed by way of a fence or other enclosure or is restrained by chain or leash or in some other physical manner so that it cannot wander off of the real property limits of the owner, possessor or custodian except as hereinafter provided, it being the intent of this section that all animals be prevented from leaving while unattended, the real property limits of their owners, possessors, or custodians thereof. Failure to comply with this section shall be unlawful and shall be punishable as hereinafter provided in the city charter.

Rabies inoculation and tag required. §26

Any person who shall own, keep, or have control of a dog or cat within the city is required to have such dog or cat inoculated for the control of rabies. Proof of a valid effective rabies inoculation shall be maintained by the owner or person in control of such dog or cat. In addition to such proof, a metal tag containing the date during which the last inoculation was performed shall be attached to the animal's collar.

Speed limits established. §27

Twenty-five (25) miles per hours shall be the maximum speed on all streets or portions of streets within the city unless otherwise indicated by officially posted signs designating the maximum vehicular speed upon those streets as approved by the mayor and council.

Traffic signs, signals and markings. §28

All traffic shall obey and be directed by official traffic control signals, signs and markings erected at street intersections and other locations now or hereafter approved by the mayor and council.

Tracked vehicles prohibited on streets. §29

It is unlawful for any person to operate any tracked or other vehicle having metal tracks or wheels upon the city streets.

§30: All ordinances in conflict with this ordinance are hereby repealed.

/s/ _____
MAYOR, CITY OF MOLENA

/s/ _____
CLERK, CITY OF MOLENA

First reading: Aug. 2, 1994

Adopted at
second reading: Sept. 6, 1994