

TITLE XIII: GENERAL OFFENSES

Chapter

130. GENERAL OFFENSES

131. CANNABINOIDS

CHAPTER 130: GENERAL OFFENSES

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§ 130.01 FIREARMS DISCHARGE.

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

CEREMONIAL DISCHARGE. The discharge of a firearm in coordination with a planned and supervised ceremonial event. Only “blank” ammunition may be used.

CORPORATE LIMITS. Any area that is governed by the City of North Vernon.

FIREARM. Any weapon that is capable of expelling, designed to expel, or that may be readily converted to expel a projectile by means of an explosion. Examples would include a handgun, shotgun, rifle, muzzleloader, cannon, or other similar device.

FIRING RANGE/PRACTICE FACILITY. The only recognized firing range in the city is located at the North Vernon Police Department’s Training Facility off of County Road 250 West in Jennings County.

PROJECTILE. Any object that will leave the barrel of the firearm after the initial explosion. In some cases, this may include gases.

(B) *Policy.*

(1) The discharge of firearms and other projectiles within the city limits will constitute a prohibited activity and a nuisance.

(2) Except as provided in division (C) below, it shall be unlawful for any person, firm, corporation, or other entity to discharge any firearm or projectile directly or remotely within the limits of the city.

(C) *Exceptions.*

(1) This section shall not be construed to prohibit any police officer or other officer of the law, member of the Armed Forces of the United States, or National Guard to discharge a firearm or other projectile in the performance of his or her duty;

(2) Persons that discharge a firearm or other projectile when lawfully defending their person or property are exempted from this section;

(3) Persons that are involved in a ceremonial discharge of a firearm are exempt from this section;

(4) Individuals seeking to discharge a BB gun or air powered pellet gun within the city limits for the purpose of target practice or pest control are not subject to this section;

(5) Persons that are participating in sanctioned sporting events; and

(6) Persons that are engaged in the lawful hunting of game animals, with the express written permission of the State Department of Natural Resources and the City Council.
(Ord. 895, passed 10-13-2008) Penalty, see § 130.99

§ 130.02 LOITERING.

(A) *City Park and City Swimming Pool.*

(1) It is hereby determined and designated to be necessary and conducive to the public safety and welfare and for the protection and perseverance of the City Park and City Swimming Pool property that all loitering be prohibited within the confines of the City Park and City Swimming Pool areas enter the hours of 11:00 p.m.

(2) The City Chief of Police shall be directed to erect or cause to be erected appropriate signs and other notices, where necessary, to inform the public of this division (A)(2) in and around the areas designated in division (A)(1) above.

(B) *Loitering near Madison Street.* It shall be unlawful for any person to be found loafing or loitering within 15 feet of the public drinking fountain situation on the northeast side of Madison Street between Walnut and Main Streets in the city.

(C) *Loitering; campfires within the city limits.* It shall be deemed unlawful for persons known as vagrants or tramps, as the same are defined by I.C. 2-2-5.5 and 2-2-5-6 to congregate together, or loiter about, in groups of two or more within the corporate limits of said city, or to build fires and camp or congregate about the same within said city.

(Ord. passed 10-22-1897; Ord. 56, passed 6-24-1932; Ord. 394, passed 8-27-1968) Penalty, see § 130.99

§ 130.03 DEFACING CITY HALL.

It shall be unlawful for any person to cut, deface, mark, stain, or injure any of the wood work, furniture or fixtures, wallpaper, or floor of the City Hall or to spit upon the floor of said Hall.

(Ord. passed 11-11-1898) Penalty, see § 130.99

§ 130.04 RINGING FIRE BELL.

(A) It shall be unlawful for any person to willfully, mischievously, or maliciously turn in to any operator of the telephone exchange in said city, or to any person in charge of the siren at the Fire Department in said city, any alarm of fire, except in case of fire.

(B) It shall be unlawful for any person to willfully, mischievously, or maliciously sound or cause to be sounded an alarm of fire by means of the bell or siren at the Fire Department, except in case of an emergency involving general and great public interest, and except where it is elsewhere provided for the sounding of such alarm under the curfew ordinance of said city.

(Ord. 55, passed 6-10-1932) Penalty, see § 130.99

§ 130.05 SOUNDING STEAM WHISTLES ON LOCOMOTIVES.

(A) It shall be unlawful for any person to sound any steam whistle on any locomotive engine within the corporate limits of said city, except in cases when required by the laws of state, or in case of extreme danger or for the purpose of sounding the alarm of fire.

(B) It shall be unlawful for any person to ring or cause to be rung any bell on any locomotive engine within the corporate limits of city, except when required so to do by the laws of the state.

(Ord. passed 7-26-1929) Penalty, see § 130.99

§ 130.07 MASKED PERSONS IN PARADES.

(A) It shall be unlawful for any person or persons to appear or to parade in any street or other public place within the city, while wearing a mask, hood, or other means of concealing identity.

(B) It shall be unlawful for any person or persons to parade in any street or other public place within the city first obtaining a written permit so to do from the Mayor of said city, or, in the absence of the Mayor, from the City Marshal.

(C) It shall be the duty of the City Marshal to protect the participants in all parades lawfully authorized as hereinbefore provided, and to stand guard at all railroad crossings while such parades are crossing the same.

(Ord. passed 4-9-1926) Penalty, see § 130.99

§ 130.08 CLIMBING OR RIDING ON WAGONS OR FIRE ENGINES.

It shall be unlawful for any person not a member of the Fire Department to ride upon the hose wagon or fire engine of said city during the time when such wagon or engine is being taken to or from a fire or during the time such wagon or fire engine may be stationed at or near such fire.

(Ord. passed 11-26-1915) Penalty, see § 130.99

§ 130.09 CURFEW.

(A) It shall be unlawful for any person under the age of 16 years to be upon the streets alleys or public grounds of the city between the hours of 9:00 p.m. of each day and 4:00 a.m. from April 1 to November 1, and between the hours of 8:00 p.m. and 4:00 a.m., from November 1 of each year to April 1 following of any year; provided, that this section shall not apply to any person while accompanied by parent or guardian or while engaged or employed in any business requiring them to be upon the streets, alleys, or public grounds of said city or while going to or from such business.

(B) It shall be the duty of the engineer in charge at the Electric Light Power House of said city to give notice of the approach of the hour at which this section requires such persons to be off the streets, alleys, and public grounds of said city by sounding the whistle at said power house at least ten minutes before the hour at which this section takes effect each evening.

(Ord. passed 11-9-1906; Ord. passed 8-23-1912) Penalty, see § 130.99

§ 130.99 PENALTY.

(A) Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) If any duly authorized city officer or representative has probable cause that a violation of § 130.01 is occurring or has occurred, the city officer or representative shall issue a ticket to the person violating the provisions of § 130.01. A violation of § 130.01 shall carry a fee of \$50 per violation.

(C) (1) As penalty for violation of § 130.02(A), a fine not to exceed \$25 shall be assessed. As a penalty for any subsequent violation, a fine not to exceed \$100 shall be assessed.

(2) An person found guilty of the violation of § 130.02(B) shall be fined not to exceed \$25.

(3) Any person or persons found guilty of violating any of the provisions of § 130.02(C) shall, on conviction thereof, be fined not to exceed \$10 to which may be added not to exceed 30 days imprisonment at hard labor in the City Jail or workhouse.

(D) Any person violating any of the provisions of § 130.03 shall upon connection thereof, be fined not less than \$1, nor more than \$10 for each offense so committed.

(E) Any person violating the provisions § 130.04 shall, upon conviction, be fined in any sum not exceeding \$50 or imprisoned for a term of not more than 30 days, or both, as the court trying said cause may determine.

(F) Any person violating any of the provisions § 130.05 shall, on conviction, be fined in any sum not less than \$1, nor more than \$25.

(G) Any person or persons found guilty of violating § 130.06(A) or (B) shall be fined in any sum not exceeding \$100, or imprisoned in the County Jail not exceeding three months or both so fined and imprisoned.

(H) Any person violating any of the provisions of § 130.07 shall, upon conviction thereof, be fined not less than \$5, nor more than \$10 for each offense so committed.

(I) Any person violating the provisions of § 130.08 shall, upon conviction, be fined in any sum not exceeding \$5 for each offense.

(ord. passed 10-22-1897; Ord. passed 11-11-1898; Ord. passed 11-9-1906; Ord. 8-23-1912; Ord. passed 11-26-1915; Ord. passed 4-9-1926; Ord. passed 7-26-1929; Ord. 55, passed 6-10-1932; Ord. 56, passed 6-24-1932; Ord. 394, passed 8-27-1968; Ord. 10-13-2008)

CHAPTER 131: CANNABINOIDS

Section

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§ 131.01 PROHIBITIONS GENERALLY.

It is hereby declared to be unlawful for any individual or business to use, possess, purchase, attempt to purchase, sell, publicly display for sale, or attempt to sale, give, or barter any one or more of the following products containing synthetic cannabanioids ("products") within the boundaries of the city which contain one or more of the following chemical compounds:

(A) 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol (also known as CP 47,497 and its C6, C7, C8, and C9 homologues);

(B) (aR,10aR-9-(hydroxymethyl-6,6-dimemyl-3-(2-methyloctan-2- y1)-6a,7,10,10a-tetrahydrobenzo [c]chromen-1-o1 (also known as HU-210);

(C) Naphthalen-1-y1-(1-pentylindol-3-yl)methanone (also known as 1 Pentyl-3-(1-naphthoyl) indole or JWH-018); also known as K2;

(D) Naphthalen-1-y1-(1-butylindol-3-y1)methanone (also known as 1- Butyl-3-(1-naphthoyl) indole or JWH-073);

(E) (+/-)-1-(4-methylpheny)-2-methylaminopropan-1-one) (also known as 4-methyl-N-methylcathinone; 2-methylamino-1-p-toylpropan-1-one, also known as mephedrone);

(F) (6aR,10aR)-3-(1,1-Dimethylbutyl)-6a,7,10,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d]pyran (also known as JWH-133);

(G)

(R)-(+)-[2,3-Dihydro-5-methyl-3-(4-morpholinylmethyl)91,2,3-de)-1,4-benzoxazin-6-yl-1]-1-napmden ylmethanone (also known as WIN 55,212-2); and

(H) Any other equivalent compound or derivative.

(Ord. 909, passed 1-24-2011)

§ 131.02 BURNING SYNTHETIC CANNABINOIDS IN PUBLIC PLACES.

Products containing synthetic cannabinoids (“products”) may not be burned, incinerated, or ignited in any public place or on any property owned, leased or controlled by the city.

(Ord. 909, passed 1-24-2011) Penalty, see § 131.99

§ 131.03 POSSESSION.

If any substances listed in § 131.01 are found in the possession of any individual or business, they may be confiscated and destroyed by law enforcement officials.

(Ord. 909, passed 1-24-2011)

§ 131.04 EXCEPTIONS.

It is not an offense under § 131.01 if the individual or business was acting at the direction of an authorized law enforcement agent to enforce or ensure compliance with this chapter prohibiting the aforementioned substance.

(Ord. 909, passed 1-24-2011)

§ 131.05 EXCLUSIONS.

(A) This chapter does not apply to an individual or business who commits any act described in § 131.01 pursuant to the direction or prescription of a licensed physician or dentist authorized to direct or prescribe such act.

(B) Section 131.01 likewise does not apply to the inhalation of anesthesia for a medical purpose or dental purpose.

(Ord. 909, passed 1-24-2011)

§ 131.06 CITY ATTORNEY’S POWERS.

The City Attorney, with the approval of the City Council, shall have the authority to seek an injunction to prevent the selling or offering to sell in violation of this chapter by any business which refuses or fails to comply with this chapter.

(Ord. 909, passed 1-24-2011)

§ 131.07 DEFINITIONS.

Any term defined in this chapter by reference to a state statute shall have the same meaning whenever used in this chapter unless clearly inapplicable by the context in which it is used. Any reference to a state statute shall mean the statute as amended from time to time, or any similar statutory provision that may supersede it relating to the same or similar subject matter.

(Ord. 909, passed 1-24-2011)

§ 131.99 PENALTY.

Any individual or business found to be selling, publicly display for sale, or attempting to sell, give, or barter any substance listed in § 131.01 shall be considered to have violated this chapter and will be subject to a civil fine of \$2,500. Any individual or business found purchasing or possessing any substance listed in § 131.01 shall be considered to have violated this chapter and will be subject to a civil fine of \$1,000. Any person or entity found in violation of this chapter shall be responsible for payment of reasonable costs and attorney’s fees associated with the enforcement of this chapter.

(Ord. 909, passed 1-24-2011)

