

**Chapter 10**

**MISCELLANEOUS OFFENSES**

**Articles:**

- I. Curfew, Disturbing the Peace, and Noise.**
- II. Liquor, Gambling, Prostitution, Indecent Exposure and Publications.**
- III. Sale of Merchandise.**
- IV. Weapons and Other Offenses.**
- V. Private Premises.**

**Article I. Curfew, Disturbing the Peace, and Noise.**

**Sec. 10-1. Curfew for minors—hours prescribed.**

It shall be unlawful for any person under the age of eighteen (18) years to be or remain upon the streets, avenues, alleys, or in any public place after the hour of ten (10) p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday of each week, until six (6) a.m. of the following day, and after the hours of one (1) a.m. on Friday and Saturday of each week and on any legal holiday, until six (6) a.m. following, except when accompanied by some relative, guardian, custodian, or other proper person and with the written permission of the parent, guardian, or other adult person having control of such minor, provided, however, the provisions of this section shall not apply to any boy or girl under the above mentioned age engaged in any lawful occupation or business for the purpose of compensation.

**Sec. 10-2. Adult responsibilities.**

It shall be the duty of each parent, guardian or other adult person having control of such minor to notify the minor person herein mentioned to retire from the streets or other public places to their homes at such prohibited times. No parent and no person acting with or by the authority of a parent shall permit any minor person to violate this section or sec. 10-1 and lack of knowledge of such violation shall constitute no defense.

**Sec. 10-3. Procedure in case of violation.**

The police officers of the City shall immediately take all children found in apparent first violation of sec. 10-1 into custody and shall immediately summon the parent, legal guardian or other person in loco parentis and shall remand such child in apparent violation to the custody of such parent, legal guardian or other person in loco parentis. If such parent, legal guardian or other person in loco parentis cannot be located, such children found in apparent violation shall remain in custody or may be turned over to the juvenile authorities in the discretion of the police until such parent, legal guardian, or other person in loco parentis can be located. Thereafter, any child found in apparent second or subsequent violation shall be

delivered to the custody of the juvenile authorities. Any parent or other person charged with the custody of any such child shall when convicted of such violation, be punished as provided in Section 10-2.

**Sec. 10-4. Disturbing the peace, profanity, lewdness.**

It is unlawful for any person to willfully or intentionally disturb the peace or quiet of any street or in any neighborhood, or of family or person, by loud, tumultuous or unusual noises, vocal or instrumental, or to make false alarms by crying "fire" or otherwise, or to threaten, quarrel, or scold, or to provoke or commit assault or battery, urinate in public, or by any other means whatsoever to disturb the peace or quiet, or to curse or swear, or utter obscene, or profane or vulgar, indecent language or commit any obscene, vulgar, indecent or lewd act in any public place or in view of any person.

**Sec. 10-5. Prohibited noises.**

The creation of any unreasonably loud, disturbing or unnecessary noise that disturbs the peace in the City is prohibited.

The following acts, among others, are declared to be loud, disturbing and unnecessary noises, and noises in violation of this Section, but this enumeration shall not be deemed to be exclusive:

A. The blowing of locomotive whistles within the City after ten (10) p.m. and before seven (7) a.m. and the ringing of locomotive bells while the engines are standing still, except in case of giving the necessary warning signals in conformity with laws of the state or ordinances of the City, and except to the extent necessary. When necessary to give communication signals, then such signals shall be by lights or ringing of the bell only, or by such means as will not disturb the peace and quiet of the neighborhood.

B. The sounding of any horn or signal device on any automobile, motorcycle, bus, or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied to decelerate the vehicle.

C. The playing of any radio, sound amplification equipment, or any musical instrument in such a manner or with such volume, particularly during the hours between ten (10) p.m. and seven (7) a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of any person in any hospital or in any dwelling, hotel or other type of residence, or of any person in the vicinity.

D. Yelling, shouting, hooting, whistling, or singing on the public streets, particularly between the hours of ten (10) p.m. and seven (7) a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of any person in any hospital, dwelling, hotel or any other type of residence, or of any person in the vicinity.

E. The keeping of any animal, bird or fowl which by causing frequent or long and continued noise shall disturb the comfort or repose of any person in the vicinity.

F. The use of any automobile, motorcycle, or vehicle so out of repair, or carrying cargo so as to cause loud or unnecessary noise. (Ord. 1911 § 1, 11/4/02)

**Sec. 10-6. Unlawful sound amplification from vehicles.**

**A. Definitions.**

“Amplified sound from vehicle” means the sound resulting from the playing or operation, or from permitting the playing, use or operation of any radio, tape player, cd player, loud speaker or other electronic device used for the amplification of sound located either inside or outside of a vehicle which is audible at a distance of fifty (50) feet or more from the vehicle.

“Audible” means a sound which can be heard or perceived by the human ear.

“Ways of the City open to the public” means any highway, road, alley, lane, parking area or other public or private place adapted and fitted for public travel that is in common use by the public.

**B. Unlawful amplified sound from a vehicle.** It is unlawful and punishable as herein provided to play, use or operate, or permit the playing, use or operation of any radio, tape player, cd player, loud speaker, or other electronic device to amplify sound from a vehicle while the vehicle is being operated or located on a way of the City open to the public when sound produced thereby is audible by any person from a distance of fifty (50) feet or more from the vehicle during the hours from ten (10) o’clock p.m. unto seven (7) o’clock a.m.

**C. Exceptions.** Emergency vehicles and car alarms are specifically exempted from the provisions of this Section.

**D. Punishment.** When sound violating this Section is produced, the person in control of the vehicle and any person who controls or assists with the production of the sound violating this Section shall be guilty of a misdemeanor. A person convicted of a first violation of this Section shall be punished by a fine not to exceed One Hundred Dollars (\$100.00). A person convicted of a second or subsequent violation shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00).

**E. Violations deemed a nuisance.** Violations of this Chapter are deemed a public nuisance. As an additional remedy, the City Attorney may, in a court of competent jurisdiction, seek appropriate equitable relief in enforcing this Chapter including, but not limited to, declaratory relief and/or injunctive relief. (Ord. 1911 § 2, 11/4/02)

**Article II. Liquor, Gambling, Prostitution, Indecent Exposure and Publications.**

**Sec. 10-7. Carrying open containers in public.**

**A.** It is unlawful for any person to carry an open container of beer or liquor upon any public street, sidewalk or alley in the City.

**B.** The City Commission by motion may designate an area not greater than two (2) blocks in length and for no longer than a two (2)-day period as a special event exception at which time and place this Section will not apply. (Ord. 1721, 9/21/92; Ord. 1722, 9/21/92)

**Sec. 10-8. Drinking upon streets.**

**A.** It is unlawful for any person to drink beer or liquor upon any public street, sidewalk or alley in the City.

**B.** The City Commission by motion may designate an area not greater than two (2) blocks in length and for no longer than a two (2)-day period as a special event exception at which time and place this Section will not apply. (Ord. 1721, 9/21/92; Ord. 1722, 9/21/92)

**Sec. 10-9. Wagering in billiard or pool halls.**

It is unlawful for any person, including any agent, servant or employee of such person, to knowingly permit or to make any bet or wager to be made upon any game of pool or billiards, played or to be played, in such hall, or upon any play made, or to be made, in any such game played or to be played.

**Sec. 10-10. Prostitution—keeping house or room thereof.**

It is unlawful for any person to keep or maintain a house of ill fame, house of prostitution, bawdy house or house of like character, or any house, place or room resorted to by men and women for the purpose of prostitution or for immoral purposes or to allow the practice of prostitution therein.

**Sec. 10-11. Same—frequenting or residing in generally.**

It is unlawful for any person to enter, frequent, visit, reside in any house of prostitution, house of ill fame, bawdy house, or house of like character. It is unlawful for any street walker, or any person, male or female, to practice prostitution in any house, room or place.

**Sec. 10-12. Indecent exposure, exhibitions, and publications.**

A. It is unlawful for any person to appear in any public place in the state of nudity, or in any indecent or lewd dress, or to make an indecent exposure of his or her person or to make any obscene gesture to or about any other person publicly, or to invite or solicit any passerby to enter or patronize any gambling house, bawdy house, house of ill fame, or house of assignation, whether in person or by distributing handbills, cards or invitations.

(b) It shall be unlawful for any person to exhibit, sell or offer to sell or dispose of in any manner any indecent, or lewd book, picture or thing, or to exhibit or perform any indecent, immoral or lewd play, act or other representation.

**Sec. 10-13. Definitions.**

A “sexually oriented business” means a licensed commercial establishment located in the industrial zone which operates as an adult book store, adult theater, or features, allows, employs, promotes or sponsors exotic entertainment.

“Exotic entertainment” means the commercial showing or display of a living person as permitted herein in a licensed sexually oriented business.

“Exotic entertainer” means any person who appears in a sexually oriented business for any public or private showing of his or her body as permitted herein, whether employed by that business or not.

“Nude or Nudity” means the uncovered public display of the human male or female genitals or anus. For purposes of this ordinance, a person is considered to be nude when a less than a fully opaque covering is worn over the genital area or anus, or the covering is so thin as to either allow the genitals or anus to be seen through the covering, or the covering is insufficient in size so as to allow the viewing of the genitals or anus or portions thereof, or allows the showing of the covered male genitals in a discernibly swollen conditions.

“Physical contact” means any touching of a person’s body by another person, either directly or indirectly.

“Sexual contact” means any touching of the sexual or other intimate parts of the person of another person for the purpose of arousing or gratifying the sexual desire of either party.

A person acts “knowingly” with respect to conduct or to a circumstance described by this ordinance when the person is aware of the person’s own conduct or that the circumstances exist.

A person acts “purposely” with respect to a result or to conduct described by this ordinance if it is the person’s conscious object to engage in that conduct or to cause that result. (Ord. 18, 4/1/2000)

**Sec. 10-13.1. Exotic entertainment to take place in the industrial zone on a platform with security.**

(A) Exotic entertainment within the City of Livingston, Montana, must occur only in licensed sexually oriented businesses in the City’s Industrial Zone and must occur upon and within the physical confines of a raised platform set aside for the exclusive use of the exotic entertainer. The platform must be at least two feet (2’) above the floor level of the audience seating area and the platform must be separated from the audience by a physical barrier at least three feet (3’) above the floor level and which barrier must be placed at least four feet (4’) from the perimeter of the platform; the barrier must be made of such materials and designed so as to effectively keep members of the audience from gaining access to the platform during the performance of an exotic entertainer.

(B) The owner or proprietor of a sexually oriented business who features, employs, allows, sponsors, or promotes exotic entertainment shall provide security person(s) to prevent members of the audience from entering upon the platform during any performance of an exotic entertainer and to prevent members of the audience from having physical or sexual contact with the exotic entertainer.

(C) Any gratuity given to an exotic entertainer must be made only during the actual performance by said entertainer and must be delivered in such a manner which prevents any physical or sexual contact between the exotic entertainer and members of the audience. (Ord. 1898, 4/1/2000)

**Sec. 10-13.2 Prohibited conduct.**

(a) Any owner, proprietor or person in charge of a sexually oriented business, who purposely or knowingly permits any nude person to appear therein, whether employed or not, is guilty of a misdemeanor.

(b) Any person who purposely or knowingly appears nude in a sexually oriented business, whether employed by the establishment or not, is guilty of a misdemeanor.

(c) The owner, proprietor or person in charge of a sexually oriented business who purposely or knowingly fails to provide an elevated platform and barrier for exotic entertainment is guilty of a misdemeanor.

(d) The owner, proprietor or person in charge of a sexually oriented business who purposely or knowingly fails to provide security person(s) as herein provided is guilty of a misdemeanor.

(f) It shall be unlawful and punishable as a misdemeanor for any exotic entertainer performing in a sexually oriented business to purposely or knowingly make physical or sexual contact with a member of the audience while performing.

(g) It shall be unlawful and punishable as a misdemeanor for any member of the audience in a sexually oriented business to purposely or knowingly make physical or sexual contact with an exotic entertainer while performing.

(h) It shall be unlawful and punishable as a misdemeanor for any exotic entertainer in a sexually oriented business to leave the platform while entertaining.

(i) It shall be unlawful and punishable as a misdemeanor for any member of the audience in a sexually oriented business to enter upon the platform set aside for exotic entertainment while such exotic entertainment is occurring thereon.

(j) It shall be unlawful and punishable as a misdemeanor for the owner, operator or person in charge of a business to feature, employ, allow, sponsor, or promote exotic entertainment when such business is not licensed as a sexually oriented business.

(k) It shall be unlawful and punishable as a misdemeanor for an exotic entertainer to perform in a commercial business which is not licensed as a sexually oriented business. (Ord. 1898, 4/1/2000)

**Penalty.**

A person convicted hereunder shall be punished by a fine not to exceed five hundred dollars (\$500.00) and/or imprisoned in the county jail for any term not to exceed six (6) months. (Ord. 1898, 4/1/2000)

**Article III. Sale of Merchandise**

**Sec. 10-14. Trespass—solicitors and peddlers upon private residential property.**

The practice of being in and upon private residential property by any solicitors, peddlers, hawkers, itinerant merchants, or transient vendors of merchandise, not having been requested or invited so to do by the owner or occupant of such private residential property, for the purpose of soliciting or

ders for the sale of goods, wares, or merchandise, or for the purpose of disposing of or peddling or hawking the same, is declared to be a nuisance and punishable as provided in Sec. 1-8.

**Sec. 10-15. False advertisement of merchandise.**

It shall be unlawful for any person or any agent, employee or representative of any other person, in a newspaper or other periodical, or in public advertising, or by letter, circular, window-sign, card or handbill, or any other method, to knowingly make or disseminate any statement or assertion concerning the quality, quantity, value, price, method of production or manufacture of his merchandise, professional work, manner or source of purchase of merchandise or the motive or purpose of any sale of merchandise or service which is untrue, fraudulent or misleading.

**Sec. 10-16. False weights.**

It shall be unlawful for any person to intentionally misrepresent or misstate the weight of any article or commodity or of any load of hay, grain or coal or any other commodity sold or offered for sale.

**Sec. 10-17. Definitions.**

For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them:

“Tobacco products” means any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco or dipping tobacco.

“Vending machine” means any mechanical, electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products. (Ord. 1674, 11/19/90)

**Sec. 10-17.1. Sale of tobacco products to minors.**

a) Definitions. No person, corporation, store or retail establishment shall sell or give away any tobacco product to a minor.

b) Any holder of a City cigarette dealer license under Sec. 17-15 (18) of this code is subject to proceedings for license suspension or revocation if the holder or its employees are found guilty of the offenses set forth in this section.

c) All retail establishments selling any tobacco products must prominently display a sign by the tobacco products that tobacco sales to minors are prohibited.

d) A civil penalty of up to two hundred dollars (\$200.00) shall be imposed for a violation of this section plus possible action concerning an establishment's City license. (Ord. 1674, 11/19/90)

**Sec. 10-17.2. Purchase and possession of tobacco products by minors prohibited.**

a) It shall be unlawful for any person under the age of eighteen (18) years to purchase tobacco products, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products.

b) It shall be unlawful for any person under the age of eighteen (18) years to possess any tobacco products; provided that the possession by a person under the age of eighteen (18) years under the direct supervision of the parent or guardian of such person in the privacy of the parent's or guardian's home shall not be prohibited.

c) A civil fine of up to Fifty Dollars (\$50.00) shall be imposed for any violation of this section. (Ord. 1674, 11/19/90)

**Sec. 10-17.3. Vending machines for tobacco products.**

a) Vending machines for tobacco products shall be located only in a City-licensed business. Machines must be in a location where there is direct on-site supervision by an employee while the business is open.

Licensed vending machine licensees must prohibit and police the prohibition of vending machine sales of tobacco products to minors.

Any licensed location where sales of tobacco products to minors from vending machines is not policed by the business establishment shall be declared a public nuisance and the vending machine license at that location may be revoked.

b) No vending machines for tobacco products may be located outside, in any entry way or exits to any building, or in any public building.

c) All vending machines shall display stickers that tobacco product sales are prohibited to minors.

d) All tobacco product vending machines must be licensed by the City with the location within each building specified and with each location checked by the City Sanitarian. An annual permit fee of Fifteen Dollars (\$15.00) running from January 1 to December 31 of each year shall be charged for each machine. Licenses must be obtained by January 31 of each year and are not proratable. This license shall be in addition to the license required by Sec. 17-15(18). (Ord. 1674, 11/7/90)

**Article IV. Weapons and Other Offenses**

**Sec. 10-18. Weapons—discharge of firearms, air guns, spring guns.**

It is unlawful within the City or outside the City limits and within three (3) miles thereof, for any person to shoot or cause to be fired a gun, pistol, or any other firearm which is discharged by gunpowder or other explosive or air gun except when done in the lawful defense of the person, property or family, or in the necessary enforcement of the law, or when done upon an established firing range, or in the lawful slaughter of meat animals.

**Sec. 10-19. Weapons—carrying concealed.**

It is unlawful for any person to carry or bear concealed upon his person any dirk, dagger, numchuck, pistol, revolver or other deadly weapon. This section shall not apply to a policeman or person summoned to his aid nor to a revenue or other civil officer engaged in the discharge of his official duty, nor to the carrying of arms on one's own premises or place of business.

**Sec. 10-19.1. Firearms—unlawful purchase or possession.**

No person who has been adjudicated as mentally incompetent, or who is an illegal alien may purchase or possess a firearm, and a minor may not purchase a firearm. (Ord. 1685, 12/18/90)

**Sec. 10-19.2. Carrying weapons to public assembly.**

A. Definitions. For the purpose of this section, the following definitions apply:

“Public assembly” means any meeting or gathering of people attending a meeting of public officials, public employees, a public agency or any other governmental body, whether or not occurring in a publicly owned building, but does not include a private residence.

“Publicly owned building” means any building owned, occupied or leased by the City of Livingston and includes the sidewalks and yard areas immediately adjacent to such buildings and includes, but is not limited to the following buildings:

- a. City-County Complex, 414 East Callender Street;
- b. Library, 228 West Callender;
- c. Waste Water Treatment Plant, 315 Bennett Street;
- d. Utilities Building, 315 Bennett Street;
- e. Civic Center;
- f. Swimming Pool;
- g. Old Water Plant Building, South 10th Street;
- h. Water wells and pump housings.

The words “purposely and knowingly” as used herein have the same meaning as defined in 45-2-101 Montana Code Annotated.

“Weapon” means a dirk, dagger, pistol, revolver, rifle, shotgun, cross bow, bow and arrow, spear, blow gun, slingshot, sword, sword cane, billy, sap, blackjack, knuckles made of metal or other hard substance, knife having a blade four (4) inches in length or longer, straight razor, not including a safety razor, throwing stars, nun-chucks, or other instrument, article or substance,

regardless of its primary function, which is readily capable of being used to produce death or serious bodily injury.

B. Prohibition. Except as provided in subsection C of this section, no person shall purposely or knowingly possess or carry, concealed or unconcealed, any weapon to a public assembly or into a publicly owned building.

C. Exceptions. The provisions of subsection B of this section do not apply to:

1. Any peace officer of the State of Montana authorized to carry a weapon;
2. Any officer of the United States government authorized to carry a weapon;
3. Any member of the armed services or reserve forces of the United States or National Guard, authorized to carry weapons while in the performance of their official duties;
4. Any person summoned to the aid of any of the persons named in subsections (C)(1) through (C)(3) of this section;
5. A probation and parole officer authorized to carry a firearm under Section 46-23-1002 MCA;
6. An agent of the Montana Department of Justice or a criminal investigator in a county attorney's office;
7. Court personnel, attorneys and witnesses in court proceedings in which a weapon is used as evidence;
8. Any legitimate display of firearms at shows or other public occasions by collectors and others, or other events which have been authorized by the City Commission to occur on City owned property;
9. A Hunter's Safety Program certified or approved by the State of Montana's Department of Fish, Wildlife and Parks.

D. Penalty. A person convicted of possessing or carrying a weapon, concealed or unconcealed, to a public assembly or publicly owned building may be imprisoned in the county jail for a term not to exceed six (6) months or fined an amount not to exceed five hundred dollars (\$500.00), or both such fine and imprisonment.

E. Forfeiture. A weapon seized in violation of this section may be seized and, upon conviction of the person possessing or carrying the weapon, may be forfeited to the City or returned to the owner. If the weapon seized is subsequently determined to have been stolen or otherwise taken from the owner's possession without permission, the weapon must be returned to the lawful owner. (Ord. 1867, 1/20/98; Ord. 1868, 2/2/98)

**Sec. 10-19.3. Throwing, shooting, firing or otherwise discharging arrow, bolts or other projectiles from bow, crossbow, atlatl.**

A. Definitions.

"Public or private archery range or gallery" means either a public, i.e., a shooting range established by a governmental body with defined shooting lanes, targets and backstops capable of preventing the projectile from escaping the range, or a commercial shooting range with defined shooting lanes, targets and backstops capable of preventing the projectile from escaping the range and available for use by individuals on a fee basis.

“Sponsored event” means an organized shooting event where measures have been taken to protect persons and property by regulating the discharge of arrows, bolts or other projectiles by having established shooting lanes, targets and backstops capable of preventing projectiles from escaping the location of the event and where officials oversee the event.

“Target shooting area” means a noncommercial shooting range located on private property where protective measures have been taken to prevent the escape of projectiles from the property and which is used by the property owner and guests.

B. Prohibition. No person shall throw, shoot, fire, or otherwise discharge any arrow, bolt, or other projectile through the use of a bow, crossbow, atlatl, or other device capable of propelling a projectile through the air with force capable of causing damage to property or injury or death to persons, animals, fowl, pets or livestock within the city limits of the City of Livingston, Montana.

C. Exceptions. A person is not guilty of committing the above offense when done in the lawful defense of the person, family or property, when done at a sponsored event or at an established public or private archery shooting range or gallery, or when done at an archery shooting target area on private property where any throwing, shooting, firing or other discharge of an arrow, bolt or other projectile is conducted in a manner so as not to endanger person, property, pets, animals, livestock or fowl, by preventing the arrow, bolt or other projectile from escaping from and traversing any ground or air space outside of the established boundaries or limits of any established public or private archery shooting range or gallery, or archery shooting target area on private property. (Ord. 1859, 5/19/97)

**Sec. 10-19.4. Definitions.**

(a) “Lasers” means any device that projects a beam or point of light by means of light amplification by stimulated emission of radiation or a device that emits light which simulates the appearance of a laser.

(b) “Law enforcement officer” means police officer, peace officer, sheriff, sheriff’s deputy, highway patrol officer, fish and game officer, livestock inspector, corrections officer, parole officer, judge, or any employee of a governmental agency, Federal, State, or Local, who is authorized by law to engage in the investigation, arrest or prosecution of, or supervise the incarceration of any person for any violation of law.

(c) A person acts “knowingly” with respect to conduct or to a circumstance described by this ordinance when the person is aware of the person’s own conduct or that the circumstance exists. A person acts knowingly with respect to the result of conduct described by this ordinance when the person is aware that it is highly probable that the result will be caused by the person’s conduct. When knowledge of the existence of a particular fact is an element of this ordinance, knowledge is established if a person is aware of a high probability of its existence. Equivalent terms, such as “knowing” or “with knowledge” have the same meaning.

(d) A person acts “purposely” with respect to a result or to conduct described by this ordinance if it is the person’s conscious object to engage in that conduct or to cause that result. When a particular purpose is an element of this ordinance, the element is established although the purpose is conditional, unless the condition negatives the harm or evil sought to be prevented by the law defining the

offense. Equivalent terms, such as "purpose" or "with the purpose" have the same meaning. (Ord. 1885, 3/15/99)

**Sec.10-19.5. Crime of projecting a laser onto a law enforcement officer.**

It shall be unlawful and punishable as a misdemeanor for any person to purposely or knowingly project a laser onto or at a law enforcement officer without the officer's consent. (Ord. 1885, 3/15/99)

**Sec. 10-19.6. Penalty.**

A person convicted hereunder shall be punished by a fine not to exceed five hundred dollars (\$500.00) and/or imprisoned in the county jail for any term not to exceed six (6) months. (Ord. 1885, 3/15/99)

**Sec. 10-20. Resisting or interfering with officer.**

It is unlawful for any person to attempt by means of any threat or violence to deter or prevent any policeman or other executive officer of the City from performing any duty imposed upon such officer by law, or knowingly to resist by the use of force or violence such officer in the performance of his duty.

**Sec. 10-21. Marathon dances.**

It is unlawful for any person to conduct or carry on any marathon dance or marathon walk in the City or within three (3) miles of the limits thereof.

For the purpose of this section, a marathon dance or marathon walk shall be construed to mean any dance or walk where the contestants or persons participating in such dancing or walking are permitted to either dance or walk continuously or intermittently for more than eight (8) hours in any calendar day.

**Sec. 10-22. Entry on swimming premises.**

A person commits the offense of unauthorized entry upon swimming premises if he knowingly enters the swimming pool change house building, swimming pool, or swimming pool area enclosed by fence when the pool is not open to the public, when the person is not engaged in normal or regular duties as part of his employment with the City and when no authorization has been given by the City.

A notice that entry upon the premises is unlawful shall be posted upon the premises in a conspicuous manner.

A person convicted of the offense of unauthorized entry upon swimming premises shall be fined not to exceed five hundred dollars (\$500) or be imprisoned for a term not to exceed six (6) months or both.

**Sec. 10-23. Idling, blocking streets.**

It shall be unlawful for any person to obstruct or encumber any street, sidewalk or other public place of the City by idling, lounging in or about the same after being requested to move on by any policemen.

**Sec. 10-24. Public speeches, permit required.**

It shall be unlawful for any person to deliver any address or lecture, or to make a speech, or to cause a crowd to gather for any of such purposes on any of the streets, avenues, alleys, sidewalks, or public places within the City, without first having obtained a written permit from the Mayor or City Council, for the use of the public place for that purpose. The Mayor and City Council may refuse to grant such permit whenever in his or its judgment such denial would be to the best interest of the public.

**Sec. 10-25. Wire on public places.**

It shall be unlawful for any person to place or leave or cause or permit to be placed or left, any wire upon any street, sidewalk, alley or other public place.

**Sec. 10-26. Camping or overnight stays in public parks.**

A. City parks shall be closed between the hours of eleven p.m. and seven a.m. No person may camp, erect tents or other structures, or rest or otherwise stay in a City park overnight.

B. The City Council may allow exceptions to the provisions of paragraph A of this section. The person or group seeking the exception must receive City Council approval before the event.

C. The City Council may grant or deny a request for an exception by applying the criteria of whether the event or exception will benefit the community, whether proper and adequate cleanup on the park area can be made, whether normal park operations will be seriously affected, whether the duration of the exception would be detrimental, and whether the allowance of an exception would be beneficial to overall park operation and policies. (Ord. 1697, 11/4/91)

**Sec. 10-27. Molesting of park birds prohibited.**

The molesting of park birds, ducks or geese by wantonly chasing, injuring, or harming them, their nests or eggs is prohibited. The penalty for such offense shall be up to five hundred dollars (\$500.00) and six (6) months in jail. A reward of two hundred fifty dollars (\$250.00) shall be offered for information leading to the arrest and conviction of persons violating this section. (Ord. 1696, 11/4/91)

**Article V. Private Premises**

**Sec. 10-28. Wire—barbed wire fences; minimum height.**

It shall be unlawful for any person to build, erect, construct or maintain, or to cause to be built, erected, constructed or maintained, any fence in the construction or maintenance of which barbed wire is placed therein at a vertical distance of less than four (4) feet from the surface of the ground over which the fence is constructed or maintained.

**Sec. 10-29. Interference with business place.**

It shall be unlawful for any person to loiter about any business premises and accost any employee of such occupant while at work, or any customer of such occupant, with a view to preventing such employee or customer from working for, or trading with any person occupying such premises. (Ord. 1440, 7/16/79, Ord. 1540, 6/17/85)