

TITLE XIII: GENERAL OFFENSES

Chapter

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**132.OFFENSES AGAINST PUBLIC DECENCY AND
MORALS**

CHAPTER 130: OFFENSES AGAINST PROPERTY

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§ 130.01 DAMAGING TREES OR PLANTS.

(A) No person shall damage, cut, carve, transplant or remove any tree or plant on the right-of-way of any city street, or upon any land set aside, dedicated or maintained by the city as a public park or parkway, including trees and plants growing on any unpaved surface between the street and sidewalk on any city right-of-way.

(B) Any person desiring to cut, trim or remove any tree or plant growing in an area described in division (A) above shall apply to the City Inspector and obtain a permit in writing for the cutting, trimming or removal.

(-70 Code, § 9.24.010) Penalty, see § 10.99

§ 130.02 PUBLIC PROPERTY.

It is unlawful for any person to wantonly or carelessly injure, trespass upon, destroy or in any way damage any of the public buildings within the city, or any fixtures appertaining to or any property in or about any building, or to drive over, trespass upon or in any way injure or damage any curbing, gutter, pavement or sidewalk in any of the streets of the city, or to cut down, injure or destroy any shade tree or other property, standing on any street, alley or public grounds in the city, or to injure, deface or destroy any fire engine, hose, public system or any fixture or apparatus appertaining to the Fire Department, or any other property of the city or any of its departments.

(-70 Code, § 9.24.020) (Ord. 9-68, 1968, passed - -68) Penalty, see § 10.99

§ 130.03 PRIVATE PROPERTY.

It is unlawful to wantonly or carelessly deface, destroy, trespass upon or in any way damage the private property, real or personal, of any person or corporation within the city, or to molest, destroy, remove or injure any water or gas pipe, fire plug, stopcock, gas post or any fixture or property of any kind belonging to any gas or water company or other corporation in the city.
(=70 Code, § 9.24.030) Penalty, see § 10.99

§ 130.04 USE OF METAL DETECTORS.

(A) The use of metal detectors, except in accordance with the provisions of KRS 164.720, is prohibited within the National Register of Historic Places boundary area for the Leslie W. Morris Park on Fort Hill.

(B) This area is reflected on maps in the city's possession.
(=70 Code, § 9.24.040) (Ord. 5-97, 1997, passed 2-6-97) Penalty, see § 10.99

§ 130.05 POSTERS AND HANDBILLS.

(A) No person or persons shall advertise or cause to be advertised any person, event, article or thing by tacking, nailing, pasting or otherwise fastening any handbill, poster, advertisement, pamphlet or circular of any description on any fence, wall, post, pole, billboard or building, or by handing, casting, throwing or placing any of the material aforesaid in or upon any public street, avenue, alley or other public grounds of the city, or on any private property or on the private building, or by placing the articles on vehicles or handing them to persons where they may be or do in fact become cast or blown upon any sidewalk, street, avenue, alley or other public grounds.

(B) Nothing herein shall be construed to prevent the placing and distribution by licensed merchants of the city of matter advertising their goods, wares and merchandise upon, under or inside the doors of public and private buildings, provided that the owners or inhabitants thereof make no objection thereto.
(=70 Code, § 9.28.010) Penalty, see § 10.99

§ 130.06 DEFACING ST. CLAIR STREET BRIDGE.

It is unlawful to paste, tie, hang up or in any manner attach to the St. Clair Street Bridge any advertisement, poster, sign, handbill, trademark or placard of any description, or to paint, mark, write or print any notice or advertisement of any kind thereon or in any manner to injure or deface the Bridge.
(=70 Code, § 9.28.020) Penalty, see § 10.99

§ 130.07 OBSTRUCTION; CLEANING OR WASHING THINGS IN STREETS.

Any person who shall clean, scale or wash any fish, meat, clothes, carriage or other vehicle or anything tending to create a nuisance on any street, alley or public place of the city shall be fined.

(-70 Code, § 9.28.030) Penalty, see § 10.99

Cross-reference:

Obstructions, see §§ 91.50 through 91.53

§ 130.08 THROWING OR DEPOSITING TRASH ON PUBLIC GROUNDS.

It is unlawful for any person to throw or deposit or permit to be thrown or deposited any dirt, paper, filth, sweepings of any store, house, shop or office, or any ashes, shavings, filthy water, offal, straw, wood, stone, earth, manure, refuse matter or rubbish of any kind whatever into any street, alley or public grounds within the city.

(-70 Code, § 9.28.040) Penalty, see § 10.99

§ 130.09 BURNING REFUSE.

(A) (1) Authorization for burning of materials within this section is restricted to natural growing materials and vegetation of carbon composition, such as leaves, straw, grass, wood, plants, vines and the like. The burning of contaminated materials, hazardous materials, hazardous wastes, petroleum-based materials and synthetics, such as tires, motor oil, automotive and household products and goods, is strictly prohibited.

(2) All burning of materials permitted within this section shall be subject to additional requirements as imposed under KRS 149, Forest Protection Law, and EPA Standards. The Frankfort Fire Department shall be notified prior to burning and may deny the request if conditions are not favorable or revoke permits when the requirements of this section are not followed.

(B) No person or persons shall kindle or maintain a bonfire, or burn trash, lumber, leaves, straw, vegetation or any combustible material within the city limits.

(C) (1) Under conditions included within this section, written permits may be issued by the Fire Chief or his or her duly appointed representative, provided a fee of \$200 for each separate deeded plot of land being cleared is paid to the City Finance Director, to allow for the burning of vegetation when the purpose of the burn is to clear open or vacant land for construction or agricultural purposes.

(2) All burning of materials permitted in this section for clearing land shall be authorized by the Fire Chief or his or her duly appointed representative. All burning shall be conducted on still days

when dry weather conditions do not present an additional hazard, during daylight hours, and not less than 50 feet from any residence or building structure and so that the fire is not communicated to adjoining property. The permit shall specify the day(s) of the proposed burn, provided a bulldozer, backhoe or other approved equipment and operator are in constant attendance during the burn time, and when terrain permits, all materials to be burned shall be placed in a trench or series of trenches dug of sufficient width and depth to prevent the escape of burning materials, ashes and/or flying brands that could communicate the fire to adjoining property, and, after burning has ceased, to place all remaining refuse inside the trench(es) and cover each trench with a layer of earth to assist in extinguishment and to restore the land. When trench digging is not feasible, all unburned remains shall be removed from the property and disposed of in an authorized landfill.

(70 Code, § 9.28.050) (Ord. 7-87, 1987, passed 2-23-87; Am. Ord. 23, 2001, passed 12-20-01; Am. Ord. 13, 2007, passed 5-21-07) Penalty, see § 10.99

Cross-reference:

Fireworks; Fire Prevention, see Chapter 93

CHAPTER 131: OFFENSES AGAINST PUBLIC PEACE

Section

- 131.01 Noise regulations
- 131.02 Storage of explosives
- 131.03 Firearms and other deadly weapons
- 131.04 Curfew; regulations for minors
- 131.05 Wearing hoods or masks
- 131.06 Automatic telephone devices
- 131.07 St. Clair Street Pedestrian Mall; prohibited activities

- 131.99 Penalty

Cross-reference:

Carrying concealed weapons, see § 40.54

Fireworks, see §§ 93.65 through 93.70

Impersonation of officers, see § 40.55

Obstructions, see §§ 91.50 through 91.53

Removal of dead animals, see § 92.07

§ 131.01 NOISE REGULATIONS.

It is hereby unlawful for any person to cause, or for any person in ownership or possession of property real or personal to allow to originate from the property, sound that is a public disturbance noise. The following sounds are determined to be public disturbance noises:

(A) Frequent, repetitive or continuous sounds in connection with the starting, operation, repair, rebuilding or testing of any motor vehicle, motorcycle, off-highway vehicle or internal combustion engine within a residentially zoned area, so as to unreasonably disturb or interfere with the peace, comfort and repose of others.

(B) Frequent, repetitive or continuous sounds which emanate from any building, structure, apartment, or condominium, which unreasonably interfere with the peace, comfort, and repose of a person or persons on public or private property, other than the property from which the sound emanates, and sounds such as sounds from musical instruments, audio sound systems, band sessions, or social gatherings. Church chimes or school bells are excepted from these sounds.

(C) Sound from portable audio equipment, including audio equipment in motor vehicles such as tape players, radios, and compact disc players, operated at a volume so as to be audible greater than 50 feet from the source and/or outside the property of the operator.

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(D) Construction and industrial noises, including but not limited to, motorized construction and equipment operation, hammering, blasting, drilling and sawing, between the hours of 10:00 p.m. and 7:00 a.m., which unreasonably disturb or interfere with the peace, comfort and repose of others; provided that this subsection shall not apply to noises caused by projects required in an emergency to repair public facilities or utilities or to prevent immediate damage or harm to persons or property; or projects deemed necessary to serve the best interest of the public and to protect the public's health and well being, including but not limited to, street or hard surface sweeping or cleaning, unplugged sewers, snow removal and vacuuming catch-basins, and further provided that this subsection shall not apply if the City Public Works Department grants a variance from the provisions of this subsection for the construction or repair of a public facility or utility upon a finding that it is either necessary or in the public interest for all or a portion of the work to be performed between the hours of 10:00 p.m. and 7:00 a.m. The City Public Works Department may impose such conditions as it deems appropriate upon the granting of a variance.

(E) Divisions (B) and (C) shall not apply to:

(1) Scheduled events at public parks, and /or playgrounds and public or private school grounds, including, but not limited to, school athletic and entertainment events, such as public address systems for games and activities.

(2) Noises from activities conducted on rights of ways or property of the city, including but not limited to, festivals and entertainment events, provided all necessary permits have been obtained.

(3) Noises resulting from any authorized emergency vehicle or law enforcement training facilities; and provided, that the foregoing enumeration of acts and noises not be construed as excluding other acts and noises which offend the public peace.

(F) It is unlawful for any band of music to play or parade the streets of the city on Sunday, except in attendance on funerals and returning from same, and except the Board of Commissioners may in its discretion on special occasions permit bands of music to play on Sunday, and each member of the band so participating in any parade shall, upon conviction in the Court, be subject to a fine for each offense. (-70 Code, § 9.08.080)

(Ord. 20, 2005, passed 9-26-05) Penalty, see § 131.99

§ 131.02 STORAGE OF EXPLOSIVES.

(A) It is unlawful to keep on hand in a store or building in the city, more than 25 pounds of gunpowder, the gunpowder to be kept in closed metal canisters within the store or wareroom away from all artificial light or heat.

(B) It is unlawful to store or keep any dynamite, nitroglycerin, giant-powder or other explosives other than gunpowder, in any storeroom, wareroom, building or on any premises in the city. (-70 Code, § 9.36.070) Penalty, see § 10.99

§ 131.03 FIREARMS AND OTHER DEADLY WEAPONS.

(A) If any person shall discharge any firearm in the city, unless necessary or proper for the protection of person or property, he or she shall be fined, but the provisions of this section do not apply to gunsmiths who may discharge firearms when necessary in the proper conduct of their business. (-70 Code, § 9.36.080)

(B) It is unlawful for any person, firm or corporation to sell or give away to any person under 18 years of age or to shoot or discharge any air rifle, BB gun or similar gun within the city limits. (-70 Code, § 9.36.090) (Ord. 7-67, 1967, passed 3-13-67)

(C) This section shall not prevail or be enforced against owners, occupants or permittees of land zoned agricultural or otherwise zoned, but used primarily for agricultural purposes. Nothing in this section shall be construed to limit the enforcement of any other law, federal, state, county or city, which may be applicable in the areas. (-70 Code, § 9.36.095) (Ord. 3-79, 1979, passed 1-8-79)

(D) Any person, firm or corporation by and through its officers or employees, which discharges or causes to be discharged, any explosive in a negligent and careless manner that the explosive charge damages any property within the city, or interferes with the use and enjoyment of the property of another in the city is guilty of a misdemeanor. (-70 Code, § 9.36.100) (Ord. 3-65, 1965, passed 2-8-65)

(E) (1) No person shall carry a concealed deadly weapon in any building owned, leased, occupied or controlled by the city.

(2) The prohibition in division (E)(1) above shall not apply to the following:

(a) Any city government building used for public housing by private persons;

(b) Private dwellings owned, leased or controlled by the city; and

(c) Sworn officers in the division of police and other law enforcement officers authorized to carry concealed deadly weapons, pursuant to KRS 527.020.

(3) All buildings or portions of buildings where the carrying of concealed deadly weapons is prohibited shall be clearly identified by signs posted at the entrance to the restricted area and shall read as follows: "The possession of concealed deadly weapons, even with proper permit, is hereby prohibited on this property."

(4) Any person violating this section may be denied entrance into the restricted area or ordered to leave the building. Any city employee violating this section may also be subject to disciplinary action, up to and including dismissal from employment. (-70 Code, § 9.36.110) (Ord. 1-97, 1997, passed 1-2-97) Penalty, see § 10.99

§ 131.04 CURFEW; REGULATIONS FOR MINORS.

(A) The city hereby enacts this section and establishes responsibility upon parents and guardians of minors and imposes a penalty for the violation thereof as set out in division (B) below. (70 Code, § 9.40.010) (Ord. 5-95, 1995, passed 5-22-95)

(B) (1) The Board of Commissioners of the city has determined that minors have been congregating in the city causing disturbances and criminal violations in the form of vandalism, traffic blockage, disorderly conduct, thefts and assaults.

(2) The Board of Commissioners finds and determines that circumstances presently exist within the city that call for regulation of minors within the city in order to protect them from each other and from other persons on the street during the nocturnal hours. The regulation is also aimed at aiding in crime prevention and promoting the enforcement of parental control of, authority over and responsibility for their minor children. It further has as its purpose the decrease of juvenile crime rates, protection of the public from nocturnal mischief by minors and the furtherance of public safety and welfare.

(3) After review and evaluation, the Board of Commissioners finds that there is justification and need to enact the following provisions.
(70 Code, § 9.40.015) (Ord. 5-95, 1995, passed 5-22-95)

(C) (1) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CURFEW HOURS.

1. 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 5:00 a.m. of the following day; and

2. 1:00 a.m. until 5:00 a.m. on any Saturday or Sunday.

EMERGENCY. An unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to a fire, a natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

ESTABLISHMENT. Any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

GUARDIAN.

1. A person who, under court order, is the guardian of the person of a minor; or

2. A public or private agency with whom a minor has been placed by a court.

MINOR. Any person under 18 years of age.

OPERATOR. Any individual, firm, association, partnership or corporation operating, managing or conducting any establishment. The term includes the members or partners of an association or partnership and the officers of a corporation.

PARENT. A person who is:

1. A natural parent, adoptive parent or step-parent of another person; or
2. At least 18 years of age and authorized by a parent or guardian to have the care and custody of a minor.

PUBLIC PLACE. Any place to which the public or a substantial group of the public has access and includes, but is not limited to streets, highways and the common areas of schools, hospitals, apartment houses, buildings, transport facilities and shops.
(=70 Code, § 9.40.020)

REMAIN. To:

1. Linger or stay; or
2. Fail to leave premises when requested to do so by a police officer or the owner, operator, or other person in control of the premises.

SERIOUS BODILY INJURY. Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

(D) Offenses.

(1) A minor commits an offense if he or she remains on any public place or on the premises of any establishment within the city during curfew hours.

(2) A parent or guardian of a minor commits an offense if he or she knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the city during curfew hours.

(3) The owner, operator, or any employee of an establishment commits an offense if he or she knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

Frankfort - General Offenses**(E) Defenses.**

(1) It is a defense to prosecution under this section that the minor was:

- (a) Accompanied by the minor's parent or guardian;
- (b) On an errand or duty at the direction of the minor's parent or guardian, without any detour or stop;
- (c) In a motor vehicle involved in interstate travel;
- (d) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (e) Involved in an emergency;
- (f) 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;
- (g) Attending an official school, religious, or other recreational activity supervised by adults and recognized or 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 recognized or sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;

(2) It is a defense to prosecution for knowingly allowing a minor to remain upon the premises of the establishment during curfew hours that the owner, operator, or employee of an establishment promptly notified the Police Department that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(F) Enforcement. Before taking any enforcement action under this section, a police officer shall ask the apparent offender's age and reason for being in the public place. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in division (E) is present.

(G) It is unlawful for any parent, guardian or other person having the lawful care, custody or control of any person under the age of fourteen years to allow or permit the person to violate the provisions of this section.

(H) The Police Department shall maintain data on violations hereof which shall be furnished to the city manager annually each July 1, or upon request. (70 Code, § 9.40.025) (Ord. 5-95, 1995, passed 5-22-95)

(I) Jurisdiction. Jurisdiction to enforce this section shall be vested in the Juvenile Court of the county as to all persons under 18 years of age, under regular procedure of law.

§ 131.05 WEARING HOODS OR MASKS.

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

PUBLIC PLACE. A place to which the public or a substantial group of persons has access and includes, but is not limited to highways, transportation facilities, schools, places of amusements, parks, places of business, playgrounds and hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence.

(B) No person shall, while wearing any hood, mask or device whereby a substantial portion of the face is hidden or covered so as to conceal the identity of the wearer, enter, be or appear in any public place within the city.

(C) The following are exempted from the provisions of division (B) above:

(1) Any person under 16 years of age;

(2) Any person using masks in theatrical productions including use in Mardi Gras celebrations and masquerade balls;

(3) Any person lawfully engaged in trades or employment or in a sporting activity where a mask or facial covering is worn for the purpose of ensuring the physical safety and physical protection of the wearer or because of the nature of the occupation, trade or professional or sporting activity; and

(4) Any person wearing a gas mask in drills, exercises or emergencies.
 (70 Code, § 9.48.010) (Ord. 5-81, 1981, passed 2-9-81; Am. Ord. 3-93, 1993, passed 2-22-93)
 Penalty, see § 10.99

§ 131.06 AUTOMATIC TELEPHONE DEVICES.

It shall be unlawful for any person to use or cause to be used any telephone device or telephone attachment that automatically selects a public telephone trunk line and reproduces any pre-recorded message to report any burglary or any other emergency situation directly by use of the phone lines to the communication center, any 911 line or any other city phone line.

(70 Code, § 9.48.020) (Ord. 18-91, 1991, passed 7-8-91) Penalty, see § 10.99

§ 131.07 ST. CLAIR STREET PEDESTRIAN MALL; PROHIBITED ACTIVITIES.

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

SKATE. A blade-like metal runner or wheels mounted in or on a frame having clamps or straps for fastening it to a shoe and used for gliding, including a shoe with a runner or wheels permanently attached.

SKATEBOARD. A toy or other apparatus consisting of a board or other platform with wheels attached and used for gliding.

SPORTS ACTIVITY. An activity involving use of a ball or other object being thrown or otherwise propelled through the air or across the pavement.

(B) It shall be unlawful for any person to ride or operate any bicycle, skate or skateboard or engage in any sports activity in or upon any portion of the St. Clair Street Pedestrian Mall. (70 Code, § 9.48.030) (Ord. 11-97, passed 9-4-97) Penalty, see § 10.99

§ 131.99 PENALTY.

(A) Any person violating §§ 131.01, 131.02 and 131.03 shall, upon commission of the first such offense, be punished by a fine not to exceed \$250.

(B) Any person violating §§ 131.01, 131.02 and 131.03 shall, upon conviction for a second or subsequent offense, be guilty of having committed a criminal misdemeanor and shall be punished by a fine not to exceed \$500 or imprisonment not to exceed 30 days, or by both such fine and imprisonment.

(C) The violation of § 131.04 shall constitute a misdemeanor offense. Violators shall be guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed \$450. (70 Code, § 9.40.020) (Ord. 5-95, passed 5-22-95; Am. Ord. 20, 2005, passed 9-26-05)

CHAPTER 132: OFFENSES AGAINST PUBLIC DECENCY AND MORALS

Section

132.01 Public indecency

132.99 Penalty

§ 132.01 PUBLIC INDECENCY.

(A) A person commits public indecency who knowingly or intentionally, in a public place:

- (1) Engages in sexual intercourse;
- (2) Engages in deviate intercourse, as defined by the State Penal Code;
- (3) Appears in a state of nudity; or
- (4) Fondles the genitals of himself, herself or another person.

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

NUDITY. The showing of the human male or female genitals, pubic hair or buttocks with less than a fully opaque covering or the showing of the female breast with less than a fully opaque covering of any part of the nipple.

PUBLIC PLACE. All outdoor places owned by or open to the general public and all buildings and enclosed places owned by or open to the public, including places of entertainment, taverns, restaurants, clubs, theaters, dance halls, banquet halls, party rooms or halls, whether limited to specific members, restricted to adults or to patrons invited to attend or not, and whether or not an admission charge is levied.

(C) The prohibition set forth herein shall not apply to:

- (1) Any child under ten years of age; or
- (2) Any individual exposing a breast in the process of breast-feeding.

(Ord. 18, 2000, passed 7-17-00) Penalty, see § 10.99

§ 132.99 PENALTY.

The offense of public indecency shall be a Class B misdemeanor as defined in the State Penal Code.

(Ord. 18, 2000, passed 7-17-00)