

CHAPTER 130: OFFENSES AGAINST MUNICIPAL REGULATIONS

Section

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§ 130.01 KILLING OR INJURING BIRDS.

It shall be unlawful for any person within the city limits to kill, injure, pursue, or attempt to injure any birds of any kind within the city limits, and any person who shall violate this section shall be deemed to have committed a violation and shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) for each offense.

(Ord. passed 3-9-37; Am. Ord. B2012-06, passed 5-22-12)

§ 130.02 USE OF FIREARMS; BOW AND AROW; SLINGSHOTS; OR OTHER INSTRUMENTS.

(A) It shall be unlawful for any person, except peace officers, military personnel and similar officers in the execution of their official duties to fire or attempt to fire within the city limits any rifle, shotgun, pistol, gun or any other firearms of any kind or character for any purpose whatsoever, except in the enforcement of law or as authorized by the Kentucky Penal Code and it shall be further unlawful for any person to use any bow and arrow, slingshot or other instrument for the purpose of throwing stones, shot or other hurtful objects within the city limits, except as provided for in §§ 130.03, 130.04 and 130.09.

(B) Any person violating the provisions of this section shall be deemed to have committed a violation and shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each offense.

(Ord., passed 3-9-37; Am. Ord. B2012-06, passed 2-22-12)

§ 130.03 SPECIAL EVENT OR DEMONSTRATION SHOOTING.

Special event or demonstration shooting shall be permissible in circumstances and on premises which have been inspected for safety purposes by the Police Department and for which a written permit has been issued by the City Council.

(A) There shall be no charge for such permit.

(B) Subsequent to the issuance of a permit by the City Council, if the Police Chief or his/her designee determines that any activity of the permit holder constitutes a safety hazard, the permit may be suspended by the Police Department. The word "FIREARMS" as used in this division shall include rifles, shotguns and handguns, but not fully automatic weapons of any type.
(Ord. B2012-06, passed 5-22-12)

§ 130.04 INDOOR FIRING RANGES.

(A) Definition. "INDOOR FIRING RANGES." A totally enclosed building that is equipped for the practice of shooting, including archery, where no activity associated with shooting is conducted outside the building and which is designed so that projectiles fired at targets are prevented, by means of backstops, berms, or other barriers, from going beyond the walls of the facility.

(B) The building and method of operation shall conform to any applicable Commonwealth of Kentucky, Environmental Protection Agency, and OSHA standards for indoor ventilation, emission into the atmosphere, and lead management. In particular, any indoor firing range shall comply with Federal OSHA General Industry Lead Standards (29 CFR 1910.1025), OSHA Noise Exposure Standards, (29 CFR 1910.95 (d), (e), (g) and (h)); and EPA National Primary and Secondary Ambient Air Quality Standards for Lead and its Components 40 CFR 50.12.

(C) The design and construction of the firing range shall completely confine all ammunition rounds within the building and in a controlled manner.

(D) The design and construction of the firing range shall be certified by a registered architect or engineer in the Commonwealth of Kentucky.

(1) The certified plans shall include the specifications and construction of the bullet trap(s), ceilings, exterior and interior walls and floors.

(2) The certified plans shall state what type and caliber of ammunition the firing range is designed to totally confine.

(3) A security plan for the building shall be submitted which secures the firing range against unauthorized entrants.

(E) No ammunition shall be used in the firing range that exceeds the certified design and construction specifications of the firing range.

(F) For firing ranges that are used for other than private recreational purposes, firearms shall not be stored on the premises when the firing range is closed for business, unless they are stored in an acceptable gun safe or other secure locking device.

(G) On-site supervision shall be supplied at all times by an adult who is an experienced firing range operator. The firing range operator shall be responsible for the conduct of their place of business and the conditions of safety and order in the place of business and on the premises.

(H) Each firing range shall have a clear and concise safety plan. The plan must be reviewed annually and distributed to all firing range users to study and use.

(I) Minors shall not be allowed in the firing range unless accompanied by an adult at all times. This provision shall not be interpreted to prohibit minors from participating in a firearm safety class which is supervised by an adult instructor.

(J) In multi-tenant buildings, the firing range shall be soundproofed to prevent the sound from being heard by persons in adjoining units.

(K) The applicant shall have the burden to demonstrate that the firing range is designed to promote the safety of all persons on the premises or on abutting property when the firing range is being used. The applicant may meet its burden by showing compliance with generally recognized guidelines for firing range design and safety, or by submitting evidence from persons with experience and expertise in firing range design and safety.

(Ord. B2012-06, passed 5-22-12)

§ 130.05 PURCHASE, POSSESSION, OR SALE OF ALCOHOLIC BEVERAGES TO MINORS.

(A) No individual under twenty-one (21) years of age shall enter any premises licensed for the sale of alcoholic beverages for the purpose of purchasing or receiving any alcoholic beverages or to enter or remain on any premises from which minors are forbidden under the statutes or alcoholic beverage control regulations of the state, for the purpose of possession, purchase or attempt to purchase or to have

another person purchase any alcoholic beverages, or to misrepresent his age for the purpose of inducing any licensee or any employee of any licensee to sell or serve any alcoholic beverages to such under 21; and it shall be unlawful likewise for any person to aid or assist any minor in purchasing or having delivered or served to him or her any alcoholic beverages.

(B) It shall be unlawful for any person under the age of twenty-one (21) years to have in his possession alcoholic beverages.

(C) It shall be unlawful for any retail dealer to sell, give, or permit any person under the age of twenty-one (21) years alcoholic beverages.

(D) A "warning to minors" sign shall be posted and remain posted in a prominent place on all premises licensed to sell alcoholic beverages at retail.

(E) Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for the first offense, but for the second offense such person shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) or confined in jail for a period of not more than thirty (30) days, or both.

(Ord. passed 5-9-67; Am. Ord. B2012-06, passed 2-22-12)

§ 130.06 LOITERING; OBSTRUCTING PEDESTRIANS OR VEHICLES.

(A) Except as provided in § 96.01(B), it shall be unlawful for any person to loiter, loaf, wander, stand or remain idle either alone and/or in consort with others in a public place in a manner so as to:

(1) Obstruct any public street, highway, public sidewalk or any other public place or building by hindering or impeding or tend to hinder or impede the free and uninterrupted passage of vehicles, traffic, or pedestrians.

(2) Commit in or upon any public street, public highway, public sidewalk or any other public place or building any act or thing which is an obstruction or interference to the free and uninterrupted use of property or with any business lawfully conducted by anyone in or upon or facing or fronting on any such public street, highway, public sidewalk or any other public place or building, all of which prevent the free and uninterrupted ingress, egress, and regress, therein, and thereon.

(3) When any person causes or commits any of the conditions enumerated in subsection (A); a police officer or any law enforcement

officer may order that person to stop causing or committing such conditions and to move on or disperse. Any person who fails or refuses to obey such orders shall be guilty of a violation of the section.

(B) It shall be unlawful for any person while upon any public street, highway or sidewalk, or while on any premises which are adjacent to or fronting upon any public street, highway, or sidewalk or any public place, building, alone and/or with others:

(1) To race the motor of any motor vehicle, to suddenly start or stop any such motor vehicle or to make any loud or unseemly noise or to blow or cause to be blown any motor vehicle horn at any time unnecessarily.

(2) Whether in or out of any motor vehicle, to drink or have in his possession any alcoholic beverage or controlled substance in any open bottle, can or other receptacle, except inside improvements on such premises and in such areas thereof as may be lawfully licensed and authorized for that purpose.

(C) Any person violating the provisions of this section for which no other penalty is provided, shall be guilty of a misdemeanor and shall be subject to a fine not exceeding one hundred dollars (\$100.00) or by imprisonment, not exceeding thirty (30) days or both. Any such violation shall constitute a separate offense on each successive day continued. (Ord. 93, passed 6-11-74; Am. Ord. passed 4-13-76; Am. Ord. 724, passed 6-26-01; Am. Ord. B2012-06, passed 2-22-12)

§ 130.07 CURFEW FOR MINORS.

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

"MINOR." Any person under the age of eighteen (18).

"PARENT." Any person having legal custody of a minor:

(1) As a natural or adoptive parent; or

(2) As a legal guardian; or

(3) As a person who stands "in place of parents"; or,

(4) As a person to whom legal custody had been given by Order of Court, or by another person(s) entity with the authority to grant or transfer legal custody.

As used herein, "CITY OF BARDSTOWN, KENTUCKY," or "CITY", shall include those areas located inside of the limits of said city.

"REMAIN." To stay behind, to tarry, or to stay unnecessarily at, upon or in any public assembly, building, place, street or highway.

"ALLOW." To either permit or neglect to prevent with actual or constructive knowledge. Knowledge will be presumed if the circumstances be such that a reasonably prudent parent should have known the child was violating this section.

(B) (1) It shall be unlawful for any person under the age of eighteen (18) to be or remain at, in or upon any public assembly, building, place, street, or highway within the city at night during the following periods:

1:00 a.m. to 6:00 a.m. Saturday
1:00 a.m. to 6:00 a.m. Sunday
11:00 p.m. Sunday to 6:00 a.m. Monday
11:00 p.m. Monday to 6:00 a.m. Tuesday
11:00 p.m. Tuesday to 6:00 a.m. Wednesday
11:00 p.m. Wednesday to 6:00 a.m. Thursday
11:00 p.m. Thursday to 6:00 a.m. Friday

(2) It shall be unlawful for any parent of a minor to allow such minor to be or remain at, in or upon a public assembly, building, place, street, or highway in the city under circumstances not constituting an exception as enumerated in subsection (C) during the time periods contained in subsection (1) of this paragraph (B).

(C) In the following exception cases a minor found at, in or upon any public assembly, building, place, street, or highway in the city during the nocturnal hours provided for in subsection (B) shall not be considered in violation of this section:

(1) When the minor is accompanied by a parent.

(2) When the minor is accompanied by an adult who has been authorized by a parent of such minor.

(3) When exercising First Amendment rights protected by the United States Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly provided that written notice signed by the minor and countersigned by a parent is in the possession of such minor specifying when, where and in what manner said minor will be exercising such First Amendment rights.

(4) In case of reasonable necessity but only after such minor's parent has communicated to the Police Department in writing the

facts establishing such reasonable necessity; if, in the judgement of the highest ranking police officer available at the time of a suspected violation of this ordinance, reasonable necessity is not established, a violation will be determined to have occurred.

(5) When the minor is on the sidewalk of the place where such minor resides, or on the sidewalk of either next-door neighbor who has not communicated an objection to a police officer or the police department.

(6) When returning home, by a direct route from, and within one hour of the termination of, a school activity, or any activity of a religious or other voluntary association, provided that justification indicating the place and time of termination of said event can be given to and verified by any investigating officer of the police department.

(7) When engaged in a business or occupation which the laws of Kentucky authorize a person under 18 years of age to perform.

(8) When the minor is, with parental consent, in a motor vehicle with a lawfully authorized driver.

(D) (1) A police officer upon finding or being notified of any minor at, in or upon any public assembly, building, place, street, or highway whose parent is believed to be in violation of this Ordinance may stop and question such minor and request such information as his or her name and age and the name and address of his or her parent, guardian, or person having legal custody.

(2) If the police officer determines or has reasonable cause to believe that a curfew violation has occurred, the police officer may obtain from the minor the information necessary to issue a citation to the minor's parent, and then either take the minor home or direct the minor to proceed immediately to his home.

(Ord. 581, passed 4-25-95; Am. Ord. B2012-06, passed 2-22-12)

§ 130.08 SOLICITING; COLLECTING FUNDS.

(A) It shall be unlawful for any person to stand in the street or highway right-of-way within the city limits of the city for the purpose of soliciting or collecting funds, or selling any product or service to passing motorists.

(B) Any person violating the provisions of this section shall be guilty of a misdemeanor and shall be fined not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00). Each separate occurrence or each day such violation is committed shall constitute a separate offense.

(Ord. 647, passed 5-12-98; Am. Ord. B2012-06, passed 2-22-12)

§ 130.09 CONCEALED DEADLY WEAPONS IN CITY BUILDINGS AND PREMISES PROHIBITED.

(A) No unlicensed person and no person duly licensed pursuant to statute, may carry a concealed deadly weapon in buildings or portions of buildings owned, operated or leased or which is controlled by the city, except as exempted in (1) below.

(1) The prohibition against licensed persons carrying concealed weapons in buildings owned, leased or controlled by the city shall not apply to:

(a) Any peace officer or police officer authorized to carry a concealed weapon pursuant to KRS 527.020;

(b) Persons employed by the Armed Forces of the United States or members of the National Guard or Militia when required in the discharge of their official duties to carry arms or weapons;

(c) civil officers of the United States in the discharge of their official duties. The prohibition does not apply to buildings used for public housing by private persons, highway rest areas, firing ranges and private dwellings owned, leased or controlled by the city.

(B) The city shall post signs at the entrance of such buildings clearly notifying the public that concealed deadly weapons may not be carried by licensees in those buildings.

(C) Any person violating this chapter shall be denied entrance to the building. Employees of the city who violate this chapter may be subject to employee disciplinary measures for violation of the chapter up to and including termination.

(Ord. 701, passed 8-22-00; Am. Ord. B2012-06, passed 2-22-12)

§ 130.99 PENALTY FOR VIOLATION OF CURFEW FOR MINORS.

Any parent, guardian, or person having legal custody allowing a minor to violate § 130.07(B) (1) or (2) shall be guilty of a misdemeanor and, for the first offense, subject to a fine of no more than one hundred dollars (\$100.00) and for the second and subsequent offenses shall be subject to a fine of no more than five hundred dollars (\$500.00) or imprisonment for a period not to exceed six (6) months or both.

(Ord. 581, passed 4-25-95; Am. Ord. B2012-06, passed 2-22-12)