TITLE 5 - OFFENSES

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CHAPTER 5.01 - ALCOHOLIC BEVERAGES

5.0101 Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alcoholic beverage, wine, malt beverage and distilled spirits and other such words and terms mean the same as the definitions given them by SDCL 35-1-1.

5.0102 Traffic in Alcoholic Beverages. No person shall produce, transport, store or sell within the City, or within one mile of its territorial limits, any alcoholic beverage, except as authorized by SDCL Title 35.

5.0103 Application for License to Conduct Business Pursuant to this Chapter. Any person desiring to enter into the alcoholic beverage business in the City shall submit an application for a license under the provisions of SDCL Title 35, Alcoholic Beverages, to the City Finance Officer.

5.0104 Action by City Council. The City Council may approve or disapprove an application for a license depending on whether the City Council deems the applicant a suitable person to hold the license and whether the council considers the proposed location suitable. The City Council may, in their discretion, require the applicant to appear personally at any meeting of the City Council and to answer any question which may be asked pertaining to the applicant or the place of business which may in any way pertain to the carrying on of the business applied for. (SDCL 35-2-1.2)

5.0105 Violation as Ground for Revocation or Suspension of License. The City Council may revoke or suspend any license issued under this chapter and SDCL Title 35 upon proof of violation by the licensee, the licensee's agents or employees, or by the manager or contractual operators of retail establishments and their agents or employees operating under a City license, or any of the following:

A. Any provision of SDCL Title 35;
B. Any rule promulgated pursuant to SDCL Title 35; or
C. Any ordinance or regulation relevant to alcoholic beverage control that has been adopted by the City.

For any licensee with multiple alcoholic beverage licenses for the same premises, upon suspension or revocation of any license issued pursuant to this chapter or SDCL Title 35,

such licensee shall cease operation under all alcoholic beverage licenses held by such licensee for the same premises for the same period as the suspension or revocation.

5.0106 Annual Additional License Fee for Video Lottery Machines on Licensed Premises. Any person who is licensed pursuant to SDCL § 35-4-2(4), (6), (11), (12), (13), or (16), and who is issued a video lottery establishment license pursuant to SDCL § 42-7A-41 must pay an additional annual fee for locating video lottery machines on the licensed premises. The fee is established at fifty dollars ($50.00) for each video lottery machine and the fee shall be paid at the same time and in the same manner as the fees paid on licenses issued pursuant to SDCL § 35-4-2. All fees received under this section shall be deposited into the general fund of the City. (SDCL 35-4-103)

5.0107 On-Sale and Off-Sale Service and Consumption Restricted.

A. No on-sale or off-sale licensee, licensed under SDCL § 35-4-2(3), (4), (5), (6), (9), (11), (13), or (18), may sell, serve, or allow to be consumed on the premises covered by the license, alcoholic beverages, between the hours of 2:00 a.m. and 7:00 a.m. or at any time on Christmas Day. Such licensees are permitted to sell, serve, or allow to be consumed alcoholic beverages on Sunday and on Memorial Day, except between the hours of 2:00 a.m. and 7:00 a.m.

B. No licensee licensed under SDCL 35-4-2(12), (16), (17), (17A), and (19) may sell, serve, or allow to be consumed on the premises covered by the license, any alcoholic beverages between the hours of 2:00 a.m. and 7:00 a.m.

5.0108 Consuming, Blending, Possessing Alcoholic Beverages in Public Places; Disposal of Containers Containing Alcoholic Beverages Restricted.

A. It is unlawful for any person to consume any alcoholic beverage upon the premises of a licensed on- sale dealer if the alcoholic beverage was not purchased from the on-sale dealer.

B. It is unlawful for any person to consume any distilled spirits in any public place, other than upon the premises of a licensed on-sale dealer.

C. For the purposes of this section the term "public place" means any place, whether in or out of a building, commonly and customarily open to or used by the general public, and any street or highway.

D. Exceptions to this subsection are provided for in Section 5.0109.

5.0109 Open Container Permitted. Notwithstanding anything herein to the contrary:

A. No regular on-sale malt beverage licensee may sell or allow to be consumed any malt beverage outside the building of the licensed premises unless the licensee's business operates out of a permanent structure and the consumption of the malt beverage occurs in an outdoor designated area located on the premises of the licensee which is approved by the City Council.

B. The sales and consumption of alcoholic beverages on a sidewalk or walkway subject to a public right-of-way abutting a licensed premises, provided that the license holder

derives more than fifty percent (50%) of its gross receipts from the sale of prepared food for consumption on the licensed premises. The sidewalk or walkway subject to a public right- of-way shall be immediately adjacent to and abutting the licensed premises. This provision does not apply to any federal aid-eligible highway unless approved in accordance with the applicable requirements for the receipt of federal aid.

C. The City Council may, in its discretion, for community designated events, permit open containers in public places upon such terms and conditions the City Council may impose.

5.0110 Wines and Malt Beverages Allowed. The possession and consumption of wines and malt beverages shall be allowed at the City Park unless otherwise provided by the City Council or in these ordinances. (SDCL 35-1-5.3)

CHAPTER 5.02 - OFFENSES AGAINST PUBLIC WELFARE

5.0201 Disorderly Conduct. A person shall be guilty of disorderly conduct if, with the purpose of causing public danger, alarm, disorder, nuisance, or if his conduct is likely to cause public danger, alarm, disorder or nuisance, he willfully does any of the following acts in a public place: (SDCL 9-29-3, 22-13-1)

A. Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of life, limb or health;

B. Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged;

C. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another, except in exhibitions duly authorized and licensed under law;

D. Interferes with another's pursuit of a lawful occupation by acts of violence;

E. Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way or place when ordered to do so by the City Police or other lawful authority known to be such;

F. Is in a public place under the influence of an intoxicating liquor or drug in such a condition as to be unable to exercise care for his own safety or the safety of others;

G. Resists or obstructs the performance of duties by the City Police or any other authorized official of the City when known to be such an official;

H. Incites, attempts to incite, or is involved in attempting to incite a riot;

I. Addresses abusive language or threats to any member of the City Police Department, any other authorized official of the City who is engaged in the lawful performance of his duties, or any other person when such words have direct tendency to cause acts of violence. Words merely causing displeasure, annoyance, or resentment are not prohibited;

J. Damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy, or physically offensive condition;

K. Makes or causes to be made any loud, boisterous, and unreasonable noise or disturbance to the annoyance of any other persons nearby, or near to any public highway, road, street, lane, alley, park, square, or common, whereby the public peace is broken or disturbed, or the traveling public annoyed;

L. Fails to obey a lawful order to disburse by a police officer, when known to be such an officer, where one or more persons are committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is eminently threatened;

M. Throws a stone, snowball or any other missile upon or at any vehicle, building, tree or other public or private property or upon or at any person in any public or private way or place or enclosed or unenclosed ground.

As used above, the following definitions shall apply:

A. "Public place" - Any place to which the general public has access in the right resort for business, entertainment, or other lawful purpose, but not necessarily mean a place devoted solely to the use of the public.

It shall also include the front or immediate area of any store, shop, restaurant, tavern or other place of business and also public grounds, areas or parks.

B. "Riot" - A public disturbance involving (i) an act or acts of violence by one or more persons part of an assemblage of three or more persons, which act or acts shall constitute a clear and present danger of, or shall result in, damage or injury to the property of another person or to the person or any other individual or (ii) a threat or threats of the commission of an act or acts of violence by one or more persons part of an assemblage of three or more persons having, individually or collectively, the ability of immediate execution of such threat or threats, where the performance of the threatened act or acts of violence would constitute a clear and present danger of, or would result in, damage or injury to the property of any other person or to the person of any other individual.

C. "Inciting riots" - Shall mean, but is not limited to, urging or instigating other persons to riot, but shall be deemed to mean the mere oral or written advocacy of ideas or expression of belief, not involving advocacy of any act or acts of violence or assertion of the rightness, or the right to commit, any such act or acts.
This Section shall not be construed to suppress the right to lawful assembly, picketing, public speaking, or lawful means of expressing public opinion not in contravention with other laws.

5.0202 <u>False Report of a Crime</u>. No person in the City shall make to, or file with, the Police Department of the City any false, misleading, or unfounded statement or report concerning the commission or alleged commission of any crime occurring within the City.

5.0203 <u>Injury or Removal of Public or Private Property</u>. No person shall willfully, maliciously, wantonly, negligently, or otherwise injure, deface, destroy, or remove real property or improvements thereto or movable or personal property belonging to the City or to any person in the City. (SDCL 22-34-1)

5.0204 Interference with City Property. No person shall climb or in any matter interfere with any building, water tower, or structure belonging to the City, without being authorized to do so by the City; and no person shall in any manner injure or deface any such structure.

5.0205 Tampering with Service Connections. It shall be unlawful for any person to connect, disconnect, or otherwise tamper with any service connection of any franchised cable television company or Broadband Communications Service Company without the express prior approval from a designated agent of said Cable Television company or Broadband Communications Service Company.

5.0207 Certain Uses Prohibited. No person shall put up, erect, hang, post, or suffer to remain so placed, any sign, poster, notice or other advertising matter, upon any telephone, traffic sign, or electric light pole in the City. (SDCL 9-29-1)

5.0208 Roller skates and Skateboards Prohibited in the Business District. No person shall ride upon, in or by means of roller skates, coasters, go-carts, skateboards or other similar wheeled device upon a sidewalk in any business district. (SDCL 9-32-1)

A. Definition as used in this Section:

"Business District" - An area in which 50% or more of the street footage for a distance of 200 ft. or more is occupied by buildings used for business commercial, educational, governmental or religious purposes and/or is used for parking vehicles either as a parking lot or a parking ramp.

B. Exception. Provisions of this Section do not apply to:

1. Physically handicapped persons who have been disabled in such a manner as to make it difficult and burdensome to walk and who use a wheelchair or other wheeled device on the sidewalk.

2. A wheeled vehicle used to transport a person under five (5) years of age.

CHAPTER 5.03 - ANIMALS

5.0301 General.

A. Definitions.

1. "At Large"

a. An animal when off the premises of the owner and not under the control of the owner, possessor, keeper, agent, servant, or member of his immediate family by a leash.

b. An animal when on the premises of the owner, possessor, keeper, agent, or servant and not attended by a competent person unless the animal is chained, restrained, enclosed, or confined in a manner preventing it from leaving the premises or from reaching the sidewalk.

2. "Leash" = A cord, thong, or chain, not to exceed six feet in length, by which an animal is controlled by the person accompanying it.

3. "Owner" = any person harboring or keeping an animal or who is head of the household or owner or manager of the premises where such animal remains.

A. Running at Large. It shall be unlawful for any person to allow any dog, cat or other animal held as a domestic pet to run at large at any time.

C. Impoundment. A police officer or animal control officer shall impound any animal found running at large within the City. Once the owner of said animal is ascertained, said owner shall be notified of the impoundment within 24 hours.

D. Liability. Animal control officers and police officers shall not be responsible for any injury or disease of any animal resulting from the enforcement of this chapter.

E. Failure to claim. Any impounded animal not claimed by the owner within three days after receiving notice shall become the property of the City and shall be placed for adoption in a suitable home or humanely euthanized.

F. Fees. An owner reclaiming an impounded animal shall pay the following fee:

a. First impoundment = $25.00

b. Second impoundment within 12 month period = $50.00

c. Any subsequent impoundment within 12 month period = $100.00

G. Conditions for release. The owner of any dog or cat found running at large without a license tag affixed to its collar shall be subject to a fine of $10. The dog or cat will not be released from impound until the $10 fine has been paid and a license has been issued under the provisions of 5.0309.

H. Violation. Any owner who allowed his/her animal to run at large is in violation of this chapter and subject to prosecution of a Class II misdemeanor. Any violation of this chapter shall be documented by the animal control officer or police officer involved in said incident by issuing a warning ticket or filing a complaint stating the alleged violation.

5.0302 Compulsory Immunization of Animals for Rabies. Every dog, cat, or other animal held as a domestic pet in the City, six months of age or older, shall be immunized against rabies by a licensed veterinarian or other qualified person designated by the City Council. Immunization against rabies shall be given at such intervals to guarantee immunity, and the minimum time period between vaccinations shall be determined by the available vaccine and based upon the recommendations and approval of the State Veterinarian. (SDCL 9-32-1)

Any owner acquiring a dog, cat or other animal by purchase, gift, birth or otherwise, shall have such animal immunized against rabies within one month following acquisition or when such animal reaches the age of six months.

Any animal impounded shall not be released by the Pound Master to any person until such animal has been immunized against rabies, provided, however, no animal so impounded shall be immunized if the owner can present a certificate of a current immunization having been previously performed.

All veterinarians or other qualified persons designated to immunize animals against rabies shall provide the owner at the time of immunization with a certificate or metallic tag showing the date of the immunization.

Whenever metallic tags are so given for immunizations, such metallic tags shall be worn by all animals on a collar, harness, or chain when off the premises of the owner.

5.0303 Responsibility of Owner to Place Animal for Observation. When any person owning or harboring a dog, cat or other animal has been notified that said animal has bitten or attacked any person, the owner shall within twenty-four (24) hours place the animal under the care and observation of the Pound Master or a licensed veterinarian for a period not less than fourteen (14) days.

At the end of the fourteen (14) day observation period, the animal shall be examined by a licensed veterinarian and if cleared by the veterinarian, may be claimed by the owner upon paying the expenses incident thereto.

Any animal impounded or placed for observation, showing active signs of rabies, suspected of having rabies, or known to have been exposed to rabies, shall be confined under competent observation for such time as may be deemed necessary to determine a diagnosis.

Any person who shall suspect that any animal in the City is infected with rabies, shall report said animal to the Pound Master, the Police Department, or other health authority, describing the animal and giving the name and address of the owner if known.

No person shall knowingly harbor or keep any animal infected with rabies or any animal known to have been bitten by an animal known to have been infected with rabies.

Any person within the City receiving information or reports of suspected rabies in wild animals or domestic animals shall report such information to the Police Department of the City. Any rabid animal may be destroyed by the Pound Master or Police Department upon authorization in writing by the City Council.

Whenever the Pound Master or Police Department shall have determined that there is a danger of the existence or spread of rabies in the City, such facts shall be made known to the City Council in writing. The Council, upon receipt of said facts, may by proclamation, in the interest of public safety and general welfare of the citizenry, order all animals muzzled when off the premises of the owner. Forty-eight (48) hours after the publication of said proclamation all animals found off the premises of the owner unmuzzled shall be seized and impounded or may be immediately destroyed if all reasonable efforts to seize said animals fail.

All animals seized and impounded shall be held for observation as hereinbefore provided for fourteen (14) days, and if cleared by a licensed veterinarian, may be claimed by the owner upon paying the expenses incidental thereto. Any animal not claimed may be disposed of as hereinbefore provided. (SDCL 9-29-12)

5.0304 Vicious Animals.

A. An animal may be declared to be vicious by the Animal Control Officer, by a veterinary/physician who attended to the victim of an animal bite, or the Chief of Police, using the following guidelines:

1. Any animal of known propensity, tendency, or disposition to attack, to cause injury, or to otherwise threaten the safety of human beings or animals.

   (Amended: Ordinance No. 518, 01-23-12)

2. An animal which, on private property, in a vicious or terrifying manner, approaches in an apparent attitude of attack, or bites, or inflicts injury, or otherwise attacks a mailman, meter reader, serviceman, journeyman, delivery man, or other employed person, or any person or animal who is on private property by reason of permission of the owner or occupant of such property or who is on private property by reason of a course of dealing with the owner of such private property.

3. No animal may be declared vicious if the injury or damage is sustained to any person or animal who is committing a willful trespass or other tort upon premises occupied by the owner or keeper of the animal, or who was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime.

B. An animal declared to be vicious shall be taken into custody and impounded. If the animal is running at large, cannot be captured, and is a public safety risk, it may be destroyed. The declaration of the vicious animal shall be given to the owner, if known, either verbally or in writing left at the owner's residence. If the animal was not taken into custody, the owner shall be given 24 hours to bring the animal into custody.

   (Amended: Ordinance No. 518, 01-23-12)

C. If the animal control agency and the owner cannot agree to an appropriate disposition of the animal, it may be released to the owner only upon the condition that they agree to comply with the conditions set forth in section D herein.

   (Amended: Ordinance No. 518, 01-23-12)

D. The owner of an animal that has been deemed vicious shall comply with the following:

1. Register the animal as vicious with the City and present proof of rabies vaccination within five (5) days of receiving the notice and presenting proof of rabies vaccination on or before March 1 of each and every year thereafter.

2. Whenever the animal is outdoors and attended, the animal shall be muzzled, on a leash no longer than six feet, and under the control of a person over 18 years of age.

3. When the animal will be outdoors and unattended, the animal must be locked in an escape-proof kennel approved by the animal control officer. Minimum standards shall include the following:

a. Fencing materials shall not have openings with a diameter of more than two inches.

b. Any gates within such pen or structure shall be lockable or of such design to prevent the entry of children or the escape of the animal.

c. The required pen or structure shall have secure sides and a secure top. If the pen or structure has no permanent bottom secured to the sides, the sides shall be imbedded into the ground or concrete.

d. The pen or structure may be required to have double exterior walls to prevent the insertion of fingers, hands or other objects.

4. A universal sign denoting a vicious animal shall be displayed on the kennel or enclosure and on a place visible from the sidewalk or road adjacent to the property where the animal is kept.

E. The owner of the animal shall be responsible for all costs of capture and impoundment. If the owner violates the conditions agreed upon by the animal control agency and owner

or the conditions in section D., if applicable, the city may take the animal into custody and euthanize the animal.

(Amended: Ordinance No. 518, 01-23-12)

F. If a vicious animal has been running at large, or bites a person or bites another animal, the animal control officer or any police officer shall seize the animal by using such means as are necessary and summon the owner to appear in court to show cause why this animal shall not be destroyed. If the animal cannot be captured, it may be destroyed.

This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

5.0305 Disturbance of Peace by Animals.

A. No person owning any dog, cat, or other animal, licensed or unlicenced, confined on the premises or otherwise, shall permit such animal to disturb the peace and quiet of the neighborhood by making loud and/or unusual noises.

B. Upon signed complaint at the police department that any person is keeping or harboring any dog, cat, or other animal which disturbs the peace as herein set forth, it shall be the duty of said police department to notify the owner of said animal in writing of said complaint, and after such owner has been given forty-eight (48) hours notice of such habit, any police officer or person of proper authority is hereby authorized and empowered to go upon the premises and impound such dog, cat, or other animal so disturbing the peace if said act continues.

C. In addition to the costs of impounding of such animal or other penalties prescribed, the owner thereof shall be subject to a fine not to exceed one hundred dollars ($100).

5.0306 Cruelty to Animals. No person shall willfully or negligently maltreat or abuse or neglect in a cruel or inhumane manner any animal or fowl. It shall be unlawful for any person to willfully or maliciously administer or cause to be administered, poison of any sort whatsoever to any animal, on the property of another, with the intent to injure or destroy such animal, or to willfully or maliciously place any poison or poisoned food where the same is accessible to any such animal. (SDCL 40-1)

5.0307 Stray, Abandoned, or Unkept Animals. No person shall harbor or keep any stray animals within the City. Animals known to be strays shall be reported to the Police Department immediately.

The keeping of animals and fowls on any lot in the City shall not be on a commercial basis or on a scale objectionable to the adjacent property owners, without a permit from the City Council.

The provisions of this section shall not be applicable to those existing at the time of the effective date of this ordinance, particularly insofar as permit requirements are concerned. (SDCL 9-29-13, 40-1)

5.0308 Livestock in City. No person shall keep or maintain any building or enclosure where livestock is kept, unless the same be at all times kept in a clean and sanitary condition. No person shall place, keep or maintain any live swine within the City, unless such animals are kept as household pets, and are not used for any commercial purpose. The keeping of livestock such as cattle, sheep and any fowl shall be by permission of the City Council.

For the purpose of this section, the term "Livestock" shall mean any animals except common household pets such as dogs, cats, mice, rats, hamsters, gerbils, guinea pigs, pot-bellied pigs, rabbits, ferrets, fish, and birds. (SDCL 9-29-13)

5.0309 Dog License Required. All dogs kept, harbored, or maintained by their owners in the City shall be licensed and registered if over six (6) months of age. Dog licenses shall be issued by the Finance Officer upon payment of an annual license fee of three dollars ($3.00) for each neutered male or spayed female, and six dollars ($6.00) for each unneutered male or unspayed female.

Before any license shall be issued under this Section, the applicant shall furnish a certificate of vaccination issued by a veterinarian licensed to practice within this State evidencing the vaccination of the dog for which the license is desired, and that the dog has been vaccinated against rabies and that such vaccination will be good for the license year.

The owner shall state at the time application is made for such license and upon printed forms provided for such purpose his or her name and address, and the name, breed, color and sex of each dog to be licensed. The provisions of this Section shall not be intended to apply to dogs whose owners are nonresidents temporarily within the City, nor to dogs brought into the City for the purpose of participating in any dog show, nor to "seeing eye" dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.
Upon payment of the license fees, the Finance Officer shall issue to the owner a license certificate and metallic tag for each dog so licensed which shall have stamped thereon the number for which it was issued corresponding with the number on the certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be

affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate will be issued by the Finance Officer upon presentation of a receipt showing the payment of the license fee for the current year, and the payment of a one dollar ($1.00) fee for such duplicate. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of death of the dog or the owner's leaving the City before expiration of the license period. (SDCL 9-29-12)

5.0310 Number of Pets Limited. It is unlawful for any person to have or to keep more than four domestic pets over the age of six months, except birds and fish, on any lot or premises in the City, unless such person residing on or in the lot or premises has a valid kennel license issued by the City. Humane societies, veterinarian offices, and retail pet stores are exempt from the provisions of this section.

5.0311 Removal of Excrement. It shall be unlawful for any person who possesses, harbors, or is in charge of any dog, cat, or animal not to immediately remove excrement deposited by said dog, cat, or animal upon a common thoroughfare, street, sidewalk, play area, park, or upon any other public property, or upon any private property when permission of the owner or tenant of said property has not been obtained, and such is hereby declared to be a public nuisance and prohibited.

CHAPTER 5.04 - FIREWORKS, FIREARMS AND EXPLOSIVES

5.0401 Discharging Firearms or Air Rifles Prohibited. It shall be unlawful for any person, except a police officer in the performance of an official act, to discharge or fire any gun, air rifle, sling shot, or other dangerous weapon within the corporate limits of the City of Lennox.

5.0402 Fireworks. It shall be unlawful for any person to throw, light, fire or display in the City of Lennox any firecrackers, Roman Candles, rockets, or other fireworks or explosives from which firecrackers, blank cartridges, or other fireworks may be made or manufactured.

Fireworks shall be defined as those fireworks classified by the US Department of Transportation as Class C (Common) Fireworks (C.F.R. Title 49 - Transportation, Part 173.100 (r)) effective on January 1, 1983, including but not limited to those fireworks designed primarily to produce visible effects by combustion, that must comply with the construction, chemical composition, and label regulations promulgated by the US Consumer Products Safety Commission (C.F.R. Title 16 - Commercial Practices, Part 1507), effective on January 1, 1983.

Public display of fireworks is permitted at any time with the written consent of the City Council.

CHAPTER 5.05 - MINORS

[MINORS SDCL Title 26]

5.0501 Curfew. It shall be unlawful for any boy or girl under the age of eighteen (18) years to be on the streets, alleys, or public grounds of the City of Lennox between the hours of 11:00 p.m. and 6:00 a.m., on Sunday-Monday, Monday-Tuesday, Tuesday-Wednesday, Wednesday-Thursday, or Thursday-Friday; and between the hours of 12:30 a.m. and 6:00 a.m. on Friday-

Saturday or Saturday-Sunday unless accompanied by some person of majority age having lawful custody or control over said minor or unless on some errand by permission or direction of his or her parents, guardian, or employer. He or she while on such errand shall not loiter on the way or make any undue noise by shouting or yelling or otherwise disturb the peace and quiet of the City.

5.0502 Penalty. Any boy or girl who violates any of the provisions of section 5.0501 shall be subject to arrest by any police officer or any citizen without process. Upon such arrest, he or she shall be taken and delivered into the hands of his or her parents or guardian. Upon a second or any subsequent arrest, such offender shall be taken by such police officer or person and presented to the circuit court of Lincoln County to be handled and punished as provided by law. Any parent or guardian or any person having lawful custody or control of any minor under the age of eighteen (18) years who shall allow, or permit said minor to violate the provisions of this chapter shall upon conviction thereof be subject to the penalties established in this ordinance (Section 11.0101).