

Chapter 13

OFFENSES AND MISCELLANEOUS PROVISIONS*

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***Cross references**—General penalty for Code violations, § 1-5; alcoholic beverages, ch. 3; motor vehicles and traffic, ch. 11; municipal court, ch. 12.



ARTICLE I. IN GENERAL**Sec. 13-1. Weapons—Definitions.**

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

Deadly weapon means any explosive weapon, firearm, firearm silencer, handgun, machine gun or short-barrel firearm.

Explosive weapon means any explosive, incendiary, or poison gas bomb, grenade, rocket, or mine that is designed, made, or adapted for the purpose of inflicting serious bodily injury, death, or substantial property damage and includes a device principally designed, made, or adapted for delivery of or shooting an explosive charge.

Firearm means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use. Firearm does not include antique or curio firearms that were manufactured prior to 1899.

Firearm silencer means any device designed, made, or adapted to muffle the report of a firearm.

Handgun means any firearm that is designed, made, or adapted to be fired with one hand.

Machine gun means any firearm that is capable of shooting more than two shots automatically, without manual reloading, by a single function of the trigger.

Short-barrel firearm means a rifle with a barrel length of less than 16 inches or a shotgun with a barrel length of less than 18 inches, or any weapon made from a shotgun or rifle if, as altered, it has an overall length of less than 26 inches.

(Ord. No. 81, § 1, 7-19-1979)

Cross reference—Definitions and rules of construction generally, § 1-3.

Sec. 13-2. Same—Discharge prohibited; exception; penalty.

(a) It shall be illegal for any person to discharge any deadly weapon within the corporate boundaries of the city.

(b) Subsection (a) of this section prohibiting the discharging of deadly weapons within the corporate boundaries of the city shall not apply to a person:

- (1) In the actual discharge of his official duties as a peace officer, a member of the armed forces or national guard; or
- (2) A security officer engaged in the performance of his duties as such or travelling to and from his place of assignment, who is wearing a distinctive uniform and carries his weapon in plain view.
- (3) Lawfully discharging a deadly weapon to protect person or property.

(c) Discharge of such deadly weapon by any person shall be a class C misdemeanor, and an individual adjudged guilty shall be punished by a fine as provided for in section 1-5 of this Code. (Ord. No. 81, §§ 2, 3, 7, 7-19-1979)

Secs. 13-3—13-26. Reserved.

ARTICLE II. PARADES***Sec. 13-27. Definitions.**

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

Parade means any parade, march, demonstration, public assemblage, ceremony, show, exhibition, pageant, or procession of any kind or any similar display in or upon any street, park, lane, alley, sidewalk or plaza or other public thoroughfare or public place in the city.

*State law reference—Authority of city to regulate parades and processions, Vernon's Ann. Civ. St. art. 6701d, § 27(a)(3).

Parade permit means a permit as required by this article.
(Ord. No. 175, § 13-27, 2-23-1998)

Cross reference—Definitions and rules of construction generally, § 1-3.

Sec. 13-28. Permit—Required; exceptions.

(a) *Required.* No person shall engage in, participate in, aid, form or start any parade within the corporate limits of the city unless a parade permit shall have been obtained from the city secretary.

(b) *Exceptions.* This article shall not apply to:

- (1) Funeral processions.
- (2) Students going to and from school classes or participating in educational or school activities, provided such conduct is under the immediate direction and supervision of the proper school authorities, and will not interfere with the normal movement of traffic.
- (3) A governmental agency acting within the scope of its functions.

(c) *Exclusions.* Soliciting of funds in or upon any street, lane or alley in the city will not be permitted.
(Ord. No. 175, § 13-28, 2-23-1998)

Sec. 13-29. Same—Application.

(a) *Required.* A person or organization seeking issuance of a parade permit shall file an application with the city secretary on forms provided by such officer.

(b) *Filing period.* An application for a parade permit shall be filed with the city secretary not less than ten days or more than 20 days before the proposed parade date.

(c) *Contents.* The application for a parade permit shall set forth the following information:

- (1) The name, address and telephone number of the person seeking to conduct such parade.

- (2) If the parade is to be held for or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of such organization.
- (3) If the parade is to be held by or for any person other than the applicant, the applicant shall file a writing from that other person showing authority to make the application.
- (4) The name, address and telephone number of the person who will be the parade chairman and who will be responsible for its conduct.
- (5) The date when the parade is to be conducted.
- (6) The proposed route, the initial starting point and the disbanding area.
- (7) The approximate number of persons who, and animals and vehicles which will constitute such parade; the type of animals, and description of the vehicles.
- (8) The time when such parade will start and terminate.
- (9) A statement as to whether the parade will occupy all or only a portion of the width of the streets proposed to be used.
- (10) The location by streets of any assembly areas for such parade.
- (11) The time at which units of the parade will arrive at the assembly area.
- (12) The interval of space to be maintained between units of such parade, and the estimated time past a given point.
- (13) The purpose of the parade.

(d) *Late applications.* The city secretary where good cause is shown may consider any application filed after the deadline prescribed in subsection (b) of this section.

Sec. 13-30. Same—Standards for issuance.

The city secretary is instructed to uniformly treat each application for a parade permit in a just, fair, and nondiscriminatory

manner bearing in mind that the time, place, duration and manner of use of the public streets, parks and other public ways and places for parades shall be subordinate to the public safety, comfort and convenience and the maintenance of order and avoidance of congestion. The city secretary shall issue a permit when, from a consideration of the application, he finds that:

- (1) The conduct of the parade will not substantially interrupt the safe and orderly movement of other traffic near its route.
- (2) The conduct of the parade will not require the diversion of so great a number of police officers to properly police the line of movement and the areas near there as to prevent normal police protection to the city.
- (3) The conduct of the parade will not require the diversion of so great a number of ambulances as to prevent normal ambulance service to portions of the city other than that to be occupied by the proposed line of march and areas near there.
- (4) The concentration of persons, animals and vehicles at assembly points of the parade will not unduly interfere with proper fire and police protection of or ambulance service to areas near such assembly areas.
- (5) The conduct of the parade will not interfere with the movement of firefighting equipment en route to a fire.
- (6) The conduct of the parade is not likely to cause injury to persons or property, to result in or provoke disorderly conduct or create a disturbance.
- (7) The parade is scheduled to move from its point of origin to its point of termination without unreasonable delays en route.

Sec. 13-31. Same—Notice of rejection.

The city secretary shall act upon the application for a parade permit within three days after filing thereof. If the city secretary does not approve the application, he shall mail to applicant, within three days after the date upon which the application was filed, a notice of his action stating the reasons for his denial of the

permit. Any person aggrieved shall have the right to appeal the denial of a parade permit to the city council. The council shall hear the appeal as soon as practicable.

Sec. 13-32. Same—Alternative.

The city secretary, in denying an application for a parade permit, shall be empowered to authorize the conduct of the parade on a date, at a time, or over a route different from that named by the applicant. An applicant desiring to accept an alternate permit shall, within three days after notice of the action of the city secretary, file a written notice of acceptance with the city secretary. An alternate parade permit shall conform to the requirements of and shall have the effect of a parade permit under this article.

Sec. 13-33. Same—Contents.

Each parade permit shall state the following information:

- (1) Starting time.
- (2) Minimum speed.
- (3) Maximum speed.
- (4) Maximum interval of space to be maintained between the units of the parade.
- (5) The portion of the streets to be traversed that may be occupied by the parade.
- (6) The maximum length of the parade in miles or fractions thereof.
- (7) Such other information or conditions as the city secretary shall find necessary to the enforcement of this article.

Sec. 13-34. Same—Duties of permittee.

A person issued a parade permit shall comply with all permit directions and conditions and with all applicable laws and ordinances.

Sec. 13-35. Same—Revocation.

The city secretary shall have the authority to revoke a parade permit issued under this article upon application of the standards for issuance as set forth in section 13-30 of this article and shall, upon revocation, give the permittee notice thereof.

Sec. 13-36. Public conduct.

(a) *Interference.* No person shall hamper, obstruct or impede or interfere with any parade or parade assembly or with any person, vehicle or animal participating or used in a parade.

(b) *Driving through.* No driver of a vehicle, except an authorized emergency vehicle, shall drive between the vehicles or persons comprising a parade when such vehicles or persons are in motion and are conspicuously designated as a parade.

(c) *Parking on parade route.* The city secretary shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along a street or highway or part thereof constituting a part of the parade route. The city secretary shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof.

Sec. 13-37. Funerals.

A funeral composed of a procession of vehicles shall be identified as such by the display upon the outside of each vehicle of a pennant or other identifying insignia or by any other method as may be determined and designated by the traffic division.

Sec. 13-38. Penalties.

Any person found guilty of violating any section of this article shall be punished as provided in section 1-5 of this Code.

