

**TITLE XIII: GENERAL OFFENSES**

Chapter

**130. GENERAL OFFENSES**



## CHAPTER 130: GENERAL OFFENSES

### Section

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### § 130.01 NUDITY PROHIBITED IN ESTABLISHMENTS LICENSED TO SELL ON-SALE BEER, LIQUOR AND WINE.

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

**LICENSE.** Any of the following licenses issued by the city.

- (a) On-sale 3.2 percent malt liquor.
- (b) On-sale liquor.
- (c) On-sale wine.

**LICENSED PREMISES.** The real estate in the city on which the license is issued.

**NUDITY.** The showing of the post-pubertal human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of a post-pubertal female breast with less than a fully opaque covering of any portion thereof below a point immediately above the top of the areola, or the covered human male genitals in a discernibly turgid state. For the purposes of this definition, the female breast is considered uncovered if the nipple only or the nipple and the areola are uncovered.

**SADO-MASOCHISTIC ABUSE.** Scenes involving a person or persons, any of whom are nude, clad in undergarments or in sexually-revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering or binding or other physical restraint of any such person, in an apparent act of sexual stimulation or gratification.

**SEXUAL CONDUCT.** Acts of masturbation, sexual intercourse or touching of the genitals, pubic areas or buttocks of the human male or female, or the breasts of the female, whether alone or

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between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification.

(B) *Prohibited areas.* Certain acts or conduct in a licensed premises which has been issued a license as defined herein are deemed contrary to the public welfare and, therefore, no license issued by the city shall be held at any premises where such conduct are acts are permitted to occur. These acts include for the licensee, owner or manager of any establishment to permit or allow any nudity, sado-masochistic abuse, or sexual conduct to occur in the licensed establishment.

(C) *Suspension/revocation.* The City Council may suspend or revoke a license for violation of this section upon a finding that the licensee has failed to comply with this section. No suspension or revocation shall take effect until the licensee has been afforded an opportunity to determine if a violation has occurred. This section shall not be deemed to preclude other civil remedies, including injunctive relief, pending the outcome of the above mentioned hearing. (Ord. 229A, passed 5-3-93) Penalty, see § 10.99

**§ 130.02 CURFEW FOR MINORS.**

(A) *Purpose.* The curfew for minors established by this section is maintained for four primary reasons.

- (1) To protect the public from illegal acts of minors committed during the curfew hours.
- (2) To protect minors from improper influences that prevail during the curfew hours, including involvement with gangs.
- (3) To protect minors from criminal activity that occurs during the curfew hours.
- (4) To help parents control their minor children.

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

***EMERGENCY ERRAND.*** A task that if not completed promptly threatens the health, safety, or comfort of the minor or a member of the minor's household. The term shall include, but shall not be limited to, seeking urgent medical treatment, seeking urgent assistance from law enforcement or Fire Department personnel, and seeking shelter from the elements or urgent assistance from a utility company due to a natural or human-made calamity.

***OFFICIAL CITY TIME.*** The time of day as determined by reference to the master clock used by the Police Department.

***PLACES OF AMUSEMENT, ENTERTAINMENT OR REFRESHMENT.*** Those places that include, but are not limited to, movie theaters, pinball arcades, shopping malls, nightclubs catering to minors, restaurants, and pool halls.

***PRIMARY CARE or PRIMARY CUSTODY.*** The person who is responsible for providing food, clothing, shelter, and other basic necessities to the minor. The person providing primary care or custody to the minor shall not be another minor.

***SCHOOL ACTIVITY.*** An event which has been placed on a school calendar by public or parochial school authorities as a school sanctioned event.

(C) *Hours.*

(1) *Minors under the age of 16 years.* No minor under the age of 16 years shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, public buildings; nor in or upon places of amusement, entertainment or refreshment; nor in or upon any vacant lot, between the hours of 11:00 p.m. and 5:00 a.m. the following day, official city time.

(2) *Minors ages 16 years to 18 years.* No minor of the ages of 16 or 17 years shall be in or upon the public streets, alleys, parks, playgrounds or other public grounds, public places, public buildings; nor in or upon places of amusement, entertainment or refreshment; nor in or upon any vacant lot, between the hours of 11:00 p.m. and 5:00 a.m. the following day, official city time.

(D) *Effect on control by adult responsible for minor.* Nothing in this section shall be construed to give a minor the right to stay out until the curfew hours designated in this section if otherwise directed by a parent, guardian, or other adult person having the primary care and custody of the minor; nor shall this section be construed to diminish or impair the control of the adult person having the primary care or custody of the minor.

(E) *Exceptions.* The provisions of this section shall not apply in the following situations.

(1) To a minor accompanied by his or her parent or guardian, or other adult person having the primary care and custody of the minor.

(2) To a minor who is upon an emergency errand at the direction of his or her parent, guardian, or other adult person having the primary care and custody of the minor.

(3) To a minor who is in any of the places described in this section if in connection with or as required by an employer engaged in a lawful business, trade, profession, or occupation; or to a minor traveling directly to or from the location of the business trade, profession, or occupation and the minor's residence. Minors who fall within the scope of this exception shall carry written proof of employment and proof of the hours the employer requires the minor's presence at work.

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(4) To a minor who is participating in or traveling directly to or from an event which has been officially designated as a school activity by public or parochial school authorities; or who is participating in or traveling directly to or from an official activity supervised by adults and sponsored by the city, a civic organization, school, religious institution, or similar entity that takes responsibility for the minor and with the permission of the minor's parent, guardian, or other adult person having the primary care and custody of the minor.

(5) To a minor who is passing through the city in the course of interstate travel during the hours of curfew.

(6) To a minor who is attending or traveling directly to or from an activity involving the exercise of First Amendment rights of free speech, freedom of assembly, or freedom of religion.

(7) To minors on the sidewalk abutting his or her residence or abutting the residence of a next-door neighbor if the neighbor does not complain to the city's law enforcement provider about the minor's presence.

(8) To a minor who is married or has been married, or is otherwise legally emancipated.

(F) *Duties of person legally responsible for minor.* No parent, guardian, or other adult having the primary care or custody of any minor shall permit any violation of the requirements of this section by the minor.

(G) *Duties of other persons.* No person operating or in charge of any place of amusement, entertainment, or refreshment shall permit any minor to enter or remain in his or her place of business during the hours prohibited by this section, unless the minor is accompanied by his or her parent, guardian or other adult person having primary care or custody of the minor, or unless one of the exceptions to this section apply.

(H) *Defense.* It shall be a defense to prosecution under this section that the owner, operator, or employee of an establishment promptly notified the city's law enforcement provider that a minor was present on the premises of the establishment during curfew hours and refused to leave.

Penalty, see § 10.99

**§ 130.03 POSSESSION OF ALCOHOLIC BEVERAGES IN BUSINESS OR INDUSTRIAL DISTRICTS.**

(A) *Alcoholic beverages prohibited.* It is unlawful for consume or possess any intoxicating liquor or non-intoxicating malt liquor, except in the original package or container and with the seal unbroken, in any outside area zoned General Business District, Central Business, or Industrial District within the city, as those districts are defined in Chapter 153, the city zoning ordinance, except on the privately-owned property located therein.

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

***INTOXICATING LIQUOR.*** Ethyl alcohol, distilled, fermented, spirituous, vinous, and malt beverages containing in excess of 3.2% of alcohol by weight.

***3.2% MALT LIQUOR.*** Any malt-liquor containing not less than one-half of one percent alcohol by volume nor more than 3.2% alcohol by weight, and is a fermented malt beverage for the purposes of M.S. §§ 340.44 to 340.56 as they may be amended from time to time.

(Ord. 184, passed 9-8-80) Penalty, see § 10.99

**§ 130.04 VAGRANCY.**

M.S. § 609.725, as it may be amended from time to time, dealing with vagrancy is hereby adopted by reference.

