

## Chapter 9.20

### OFFENSES AGAINST PUBLIC PEACE

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#### **9.20.010 Explosives; Threats or False Information.**

(a) It shall be unlawful for any person to impart or convey, or cause to be imparted or conveyed, any threat or false information knowing the same to be false, concerning an attempt or alleged attempt being made, or to be made, to damage or destroy any building or other real or personal property, or any person.

(b) It shall be unlawful for any person to impart or convey, or cause to be imparted or conveyed, any false information knowing the same to be false concerning the location of any explosive in any building held open for the use of the public or used for educational, religious, charitable, residential, business, governmental, medical or other public purposes. (Ord. 15621 §1; July 9, 1990: P.C. §9.06.050: Ord. 9632 §1; November 18, 1968).

#### **9.20.020 Suppression of Nuisances; Disorderly Houses.**

Any room, house, building, structure, or place, and any property kept and used in maintaining the same, where, in violation of the ordinances of the city, unlawful or illegal acts are committed, is hereby declared to be an unreasonable interference with the health, safety, welfare, and property of the citizens of the city, a disorderly house, and a public or common nuisance. Such nuisances may be restrained or suppressed by the city in any manner provided by law, and the City Attorney is hereby authorized and empowered to take such legal action as may be necessary to restrain or suppress such nuisances. (Ord. 15621 §2; July 9, 1990: P.C. §9.48.010: Ord. 3632 §1; March 6, 1939.).

#### **9.20.030 Disorderly House; Maintaining.**

The term "disorderly house" as used in this chapter shall be deemed to be any room, house, building, structure, or premises, where unlawful or illegal acts are being committed. It shall be unlawful for the owner, lessee, resident, manager, or proprietor of any room, house, building, structure, or premises to knowingly collect or permit to be collected therein persons who are engaging in any unlawful act, or to knowingly make, cause, permit, or suffer to be made therein any loud or improper noise to the annoyance or disturbance of any person or neighborhood. (Ord. 18703

§1; April 3, 2006: prior Ord. 15621 §3; July 9, 1990: P.C. §9.52.040: Ord. 13762 §5; February 13, 1984: Ord. 11380 §1; June 9, 1975: Ord. 3489 §21-204, as amended by Ord. 3726; March 11, 1940).

**9.20.040 Inmate of Disorderly House.**

It shall be unlawful for any person to be an inmate of or visit or frequent any disorderly house as declared in Section 9.20.030 with knowledge of, and participation in, the illegal activities occurring therein. (Ord. 15621 §4; July 9, 1990: P.C. §9.52.050: Ord. 13762 §6; February 13, 1984: prior Ord. 11380 §2; June 9, 1975: Ord. 3489 §21-205, as amended by Ord. 3726; March 11, 1940).

**9.20.045 Disorderly House; Penalty for Violations.**

(a) Any person who violates Section 9.20.030 or Section 9.20.040 shall be guilty of a misdemeanor and upon conviction of a first offense shall be punished by imprisonment in the county jail for a period not to exceed six months, or by a fine of not less than \$250.00 nor more than \$500.00, recoverable with costs, or both such fine and imprisonment.

(b) Any person who violates Section 9.20.030 or Section 9.20.040 and has had one conviction for violation of either Section 9.20.030 or Section 9.20.040 in the ten years prior to the date of the current conviction shall be punished by imprisonment in the county jail for a period of not to exceed six months, or by a fine of not less than \$350.00 nor more than \$500.00, recoverable with costs, or both such fine and imprisonment.

(c) Any person who violates Section 9.20.030 or Section 9.20.040 and has had two or more convictions for violation of either Section 9.20.030 or Section 9.20.040 in the ten years prior to the date of the current conviction shall be punished by imprisonment in the county jail for a period of three days to six months and a fine of not less than \$400.00 nor more than \$500.00, recoverable with costs. (Ord. 18703 §2; April 3, 2006).

**9.20.050 Disturbing the Peace.**

(a) It shall be unlawful for any person to intentionally or knowingly disturb the peace and quiet of any person, family, or neighborhood, or any public assembly, or assembly of persons for religious worship. The offense of disturbing the peace shall include, but shall not necessarily be limited to, the following:

- (1) Engaging in fighting;
- (2) Exhibiting threatening or violent conduct directed towards another person;
- (3) Using abusive, threatening, or other fighting language or gestures directed towards another person or persons; or
- (4) Picketing or demonstrating on a public way within 150 feet of any primary or secondary school building while the school is in session and during the one-half hour before the school is in session and during the one-half hour after the school session has been concluded.

(b) Any person who shall violate this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed three months, or by a fine of not less than \$150.00 nor more than \$500.00, recoverable with costs, or both such fine and imprisonment. (Ord. 19915 §1; September 9, 2013: prior Ord. 19749 §1; August 6, 2012: Ord. 16141 §1; June 29, 1992: Ord. 15621 §5; July 9, 1990: P.C. §9.52.030: Ord. 13762 §3; February 13, 1984: Ord. 3489 §21-203; July 6, 1936).

**9.20.060 Failure to Disperse.**

(a) Whenever a police officer has probable cause to believe that a person or persons are creating a disturbance of the peace and quiet of any person or neighborhood, such police officer may order said person or persons not residing on the premises to disperse for the purpose of abating the said disturbance.

(b) It shall be unlawful for any person to refuse to comply with a lawful order to disperse given by a police officer in the performance of the officer's duties under this section. (Ord. 15621 §6; July 9, 1990: P.C. §9.52.035: Ord. 13762 §4; February 13, 1984).

**9.20.080 Panhandling.**

(a) As used in this section, panhandling shall mean any solicitation made in person upon any street, public place or park in the city, in which a person requests an immediate donation of money or other gratuity from another person, and includes but is not limited to seeking donations:

(1) By vocal appeal; and,

(2) Where the person being solicited receives an item of little or no monetary value in exchange for a donation, under circumstances where a reasonable person would understand that the transaction is in substance a donation.

(3) However, panhandling shall not include the act of passively standing or sitting nor performing music, singing or other street performance with a sign or other indication that a donation is being sought, without any vocal request other than in response to an inquiry by another person.

(b) It shall be unlawful for any person to knowingly or intentionally engage in an act of panhandling on any day after sunset, or before sunrise.

(c) It shall be unlawful for any person to knowingly or intentionally engage in an act of panhandling when either the panhandler or the person being solicited is located at any of the following locations; at a bus stop; in any public transportation vehicle or public transportation facility; in a vehicle which is parked or stopped on a public street or alley; in a sidewalk café; or within twenty (20) feet in any direction from an automatic teller machine or entrance to a bank.

(d) It shall be unlawful for any person to knowingly or intentionally engage in an act of panhandling by aggressive solicitation. Aggressive solicitation shall mean:

(1) Touching the solicited person without the solicited person's consent.

(2) Panhandling a person while such person is standing in line and waiting to be admitted to a commercial establishment;

(3) Blocking the path of a person being solicited, or the entrance to any building or vehicle;

(4) Following a person who walks away from the panhandler after being solicited if that conduct is intended to or is likely to cause a reasonable person to be fearful of imminent bodily harm or to feel intimidated to make a donation;

(5) Using profane or abusive language, either during the solicitation or following a refusal to make a donation;

(6) Intentionally, knowingly, or recklessly making any statement, gesture, or other communication which would cause a reasonable person to be fearful of imminent bodily harm or to feel intimidated to make a donation.

(e) It shall be unlawful for any person to knowingly or intentionally panhandle in a group of two (2) or more persons. (Ord. 18371 §1; May 24, 2004: prior Ord. 15621 §8; July 9, 1990: P.C. §9.52.230: Ord. 13762 §26; February 13, 1984: Ord. 3489 §21-223; July 6, 1936).

**9.20.100 Minimum Penalties.**

Any person convicted of violating the following sections of the Lincoln Municipal Code shall be fined no less than the following amounts:

Interfering with officer making an arrest (9.08.020) .....	\$250.00
Resisting an officer (9.08.030) .....	\$250.00
Making a false statement (9.08.040) .....	\$150.00
Assault and battery (9.12.010) .....	\$200.00
Public indecency and indecent exposure (9.16.180) .....	\$200.00
Urinating or defecating in public (9.16.200) .....	\$100.00
Failure to disperse (9.20.060) .....	\$200.00
Discharging weapons (9.36.050) .....	\$250.00

(Ord. 19927 §30; October 7, 2013: prior Ord. 19749 §2; August 6, 2012: Ord. 17417 §1; September 21, 1998).