

## Chapter 16

### OFFENSES\*

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#### Article I. In General

##### Sec. 16-1. Abusing policemen.

It shall be unlawful for any person to revile, abuse or ridicule any policeman of the city while in the discharge of his official duties. (Ord. 1504, sec. 1, 5-13-64; Ord. 425, sec. 1--2, 9-17-14)

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*Cross reference--see section 1-11 - enhanced penalties*

##### Sec. 16-2. Advertising material not to be placed or thrown on or in vehicles.

It shall be unlawful for any person to paste any advertising matter on the windshields of automobiles, or any other part of the automobile, or to place or throw into the body or on the seat of such vehicle any advertising matter of any kind, without the consent of the owner. (Ord. 747, sec. 1--2, 9-10-25)

##### Sec. 16-3. Air guns; discharging in city.

- A. It shall be unlawful for any person to discharge any air gun, including but not limited to pellet and BB guns, within the city, except where may be permitted use in a certain zoning classification.
- B. Notwithstanding other provisions of this section, it shall be lawful within the corporate limits of the City of Hattiesburg, to discharge an air gun while taking target practice as long as said air gun is not discharged on or across any property line, public street or alley within the corporate limits of the City of Hattiesburg. (Ord. 2217, sec. 2, 12-3-85; Ord. 92, sec. 1, 12-1-1896)

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*Cross reference--see section 1-11 - enhanced penalties*

*\*Cross reference--Violation of rules and regulations promulgated by the board of park commissioners for camp or park constitute breaches of the peace and are punishable as such, sec. 6-72.*

##### Sec. 16-4. Firearms; discharging in city.

It shall be unlawful for any person to discharge any firearm within the city, except where may be a permitted use in a certain zoning classification. (Ord. 1502, sec. 1, 5-13-64; Ord. 419, sec. 2, 9-10-14)

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*Cross reference--see section 1-11 - enhanced penalties*

**Sec. 16-5. Reserved. (Carnivals-repealed by Ord. 2648,7-7-98)**

**Sec. 16-6. Reserved.**

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*Cross reference--Public Amusements, Ch. 19-1.*

*See section 1-11 - enhanced penalties*

*Amendment Note--Ord. 2404, enacted 5-19-92, and codified as Article IV of this chapter (Secs. 16-55--16-61), repealed Ord. 702, enacted 12-21-22, codified as Sec. 16-6, establishing a curfew for minors. Ord. 2433, sec. 1, enacted 11-3-92, repealed Ord. 2404, secs. 1--7. This section was reserved to maintain sequence. See Article IV for current ordinance in effect.*

**Sec. 16-7. Despoiling property.**

It shall be unlawful for any person to maliciously or mischievously destroy or disfigure or injure, or cause to be destroyed, disfigured, or injured, any property of another, whether real or personal, within the city. (Ord. 63, sec. 1, 3-5-95)

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*Cross reference--see section 1-11 - enhanced penalties*

**Sec. 16-8. Alarm systems; false alarms.**

A. **Definitions:** The following words and terms when used in this section are intended to mean and shall mean as follows:

**False alarm** shall mean an alarm signal necessitating response by the police department and/or fire department where a police or fire emergency condition does not exist. This definition shall include, but not be limited to, reports caused by improper or inadequate maintenance of the police emergency alarm system by the careless or negligent operation or maintenance of the alarm system.

**Central station** shall mean an office to which remote police or remote fire alarm and supervisory signaling devices are connected, where trained personnel are on duty and in attendance at all times to supervise the circuits terminating therein, investigate signals, and retransmit alarm signals to appropriate agencies.

**Police emergency alarm system and/or fire emergency alarm system or alarm system** shall mean any assembly of equipment or devices arranged to initiate a signal from a transmitting device to report any police emergency condition or any fire emergency condition.

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**User** shall mean any person who purchases, leases, contracts for or otherwise obtains an alarm system.

**Transmitting device** shall mean an instrument which sends a signal to a monitoring point indicating intrusion into a given protected area.

**B. False alarms:**

1. More than four (4) false alarms in a calendar year from any alarm system connected to the police department's central station or the fire department's central station may constitute grounds to disconnect said alarm system, subject to the provisions of this section.
2. After the central station has recorded four (4) false alarms within a calendar year from any alarm user, the city shall notify said alarm user of such fact and require that the alarm user submit a report to the director of the police department or director of the fire department within fifteen ( 15) days after receipt of such notice, describing efforts to discover and eliminate the cause or causes of the false alarms. If, however, the alarm user, by reason of absence from the city or any other reasonable basis requests an extension of time to file the report, the city shall extend the fifteen-day period for a reasonable period. If the alarm user fails to submit such a report within fifteen (15) days or within any such extended period, the city may disconnect the user's alarm system from the central station.
3. If the alarm user submits a report as required by paragraph (B-2) of this section but the city determines that the report is unsatisfactory or that the alarm user has failed to show by the report that he has taken or will take reasonable steps to eliminate false alarms, then the city may disconnect the user's alarm system from the central station.
4. If after submission of a report required by paragraph (B-2) of this section which is satisfactory to the city, the alarm system of the user incurs one or more false alarms during the same calendar year, the city may disconnect the user's alarm system from the central station.
5. An alarm system user whose alarm system has been disconnected from the central station is not precluded under this section from making a written request to have his alarm system reconnected to the central station. The city, however, is not required to reconnect the alarm system unless it is satisfied that the user's alarm system has been properly serviced and its deficiencies corrected. The city may impose reasonable restrictions and conditions upon reconnecting the particular alarm system in question.

**C. Penalty:** The user of a police emergency alarm system and/or fire emergency alarm system as herein defined shall pay the City of Hattiesburg a penalty of not less than twenty five dollars (\$25.00) and not more than three hundred dollars (\$300.00) for a false alarm received by the central station after a maximum of four (4) false alarms from the same police emergency alarm system and/or fire emergency alarm system within any twelve-month period. For any intentional setting of a false alarm received by the central station a penalty shall be paid to the City of not less than two hundred fifty dollars (\$250.00) and not more than five hundred dollars (\$500.00) or six (6) months in jail. (Ord. 1929, secs. 1--3, 4-1-79)

**Sec. 16-9 --- 16-14. Reserved.**

**Sec. 16-15. Interfering with City employee unlawful; penalty.**

A. It shall be unlawful for any person to knowingly and willfully oppose or resist any officer or other authorized person in the serving or attempting to execute any legal writ or process, or to interfere with, or oppose any officer or employee of the City of Hattiesburg, Mississippi, in the lawful performance of his duties.

B. Any person who shall violate any provision of this section, shall, upon conviction, be subject to a fine of not to exceed one thousand dollars (\$1,000.00), or to imprisonment of not to exceed ninety (90) days, or to both such fine and imprisonment. (Ord. 2364, secs. 1--2, 12-18-90)

**Sec. 16-16. Unoccupied premises to be locked.**

It shall be the duty of the owner or person in charge or control of any unoccupied building in the city to keep the same securely fastened or locked at all times. (Ord. 435, sec. 1, 9-12-15)

**Sec. 16-17. Fire hose---Running over or tampering with prohibited; penalty.**

It shall be unlawful for any operator or driver to operate or drive any motor or wheeled vehicle, over or across any fire hose in use or ready to be used, or which has been used at any fire in the city, or to damage or injure the same in any way whatever. (Ord. 199, sec. 1, 3-2-04)

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*Cross references--For provision generally relating to traffic, see Ch. 25; For provisions relating generally to fire prevention and fire regulations, see Ch. 22, Art. IV.; see also Sec. 28-6.*

**Sec. 16-18. Reserved.**

Fortune telling is hereby abolishing the prohibition of Fortune Telling repealing ordinance 725. (Ord. 3083, secs. 1-3, 12-11-11; Ord. 725, secs. 1--2, 1-29-25)

**Sec. 16-19. Gambling prohibited.**

It shall be unlawful for the owner, lessee, sublessee or occupant, or other persons having the charge or control of any house, or other building or of any lot, or premises to knowingly offer or permit gambling, in any of its forms to be carried on in such house or other building, or on such lot. (Ord. 1501, sec. 1, 5-13-64; Ord. 192, sec. 1, 10-21-03)

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*Cross reference--see section 1-11 - enhanced penalties*

**Sec. 16-20. Loitering---Near jail; penalty.**

Any person who shall loaf or loiter on the street or sidewalk near the jail, or any person who fails and refuses to remove his person from said street or sidewalk near said jail when ordered so to do by any official of the City of Hattiesburg, Mississippi, or any duly authorized police officer of the City of Hattiesburg, Mississippi, shall be guilty of a misdemeanor and upon conviction be punished by a fine as provided by section 1-10 of the Code of Ordinances of the City of Hattiesburg. (Ord. 1497, sec. 1, 5-13-64; Ord. 207, sec. 1, 7-18-04)

**Sec. 16-21. Municipal swimming pool and park---Persons having contagious diseases prohibited from using.**

It shall be unlawful for any person having any contagious disease or infectious disease, to go into the water in the municipal swimming pool of the city at any time while suffering from such disease. (Ord. 872, sec. 1, 5-31-34)

**Sec. 16-22. Utility meter devices, etc., giving inaccurate readings deemed unlawful.**

A. It shall be unlawful for any person to attach, install, affix or otherwise connect, or to cause to be attached, installed, affixed or otherwise connected, to any wire, cable, line, pipe or other conduit for electricity, gas or water which is being supplied or furnished by any person to any other person at quantity or meter rates, any mechanism, jumper, contrivance or other device of any kind whatsoever designed or intended or suitable for the purpose of preventing or of attempting to prevent the full quantity of electricity, gas or water so supplied or furnished from passing through any meter or other measuring device installed for the purpose of determining the full or true quantity of electricity, gas or water to be so supplied or furnished, or designed or intended or suitable for the purpose of preventing or of attempting to prevent any such meter or other measuring device from correctly, accurately, truly and fully measuring, determining or recording the full quantity of any electricity, gas or water so supplied or furnished.

B. It shall be unlawful for any person to knowingly stop, alter, change or in anywise interfere with the operation of any electric meter, gas meter or water meter in any manner whatsoever with the intent or for the purpose of preventing or of attempting to prevent any such meter from correctly measuring, determining or recording the full and true quantity of electricity, gas or water that passes through any such meter.

C. Whenever or wherever within the city any electricity, gas or water is being supplied or furnished any property, premises, location or person through any wire, cable, line, pipe or other conduit at meter rates, it shall be unlawful for any person to cause or to attempt to cause by any means or device whatever any diversion of any such electricity, gas or water from the meter through which the same is intended to be measured by the person so supplying or furnishing the same.

D. It shall be unlawful for any customer, consumer or user of electricity, gas or water, supplied or furnished at meter rates, to knowingly take or use or to cause to be taken or used any such electricity, gas or water from the wire, cable, pipe or other conduit supplying or furnishing the same, unless and until the full quantity thereof shall first have passed through and been measured by the meter or meters provided for that purpose.

E. The existence or presence at any place, location, or premises, or in any building or part thereof, or on or about any wire, cable, line, pipe or other conduit of electricity, gas or water, or on or about any meter, of any jumper, wire, pipe or other device resulting in the diversion of electricity, gas or water, or resulting in the prevention of the proper action or just registration of the meter or meters provided and installed for the purpose of measuring any electricity, gas or water, shall constitute prima facie evidence of knowledge on the part of the person having the custody or control of any such place, location, premises, building or part thereof, of the existence and presence of such jumper, wire, pipe or other device, and of the effect and result thereof, and such existence or presence of any such jumper, wire, pipe or other device shall likewise constitute prima facie evidence of the intention on the part of the person

having the custody or control of any such place, location, premises, building or part thereof of wrongfully and unlawfully obtaining electricity, gas or water by the means of such jumper, wire, pipe or other device in violation of the provisions of this section. (Ord. 965, secs. 1---5, 12-11-41)

**Sec. 16-23. Impersonation as a law enforcement officer within city limits unlawful.**

Any person who shall falsely represent, masquerade as, or impersonate a city policeman, sheriff, deputy sheriff, constable, marshal, federal marshal, or any other duly appointed or elected law enforcement officer within the city limits of the City of Hattiesburg, Mississippi, shall be guilty of a misdemeanor and upon conviction be punished by a fine as provided by section 1-10 of the Code of Ordinances of the City of Hattiesburg. (Ord. 2044, sec. 1, 1-27-81)

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*Cross reference--Police, Ch. 18.; see 1-11 - enhanced penalties*

**Sec. 16-24. Prohibiting the reckless endangerment of any person or any property and providing penalty.**

A. It shall be unlawful for any operator of a motor vehicle to permit any person to ride on the bumper, radiator, fender, hood, top, trunk, or running board of such vehicle when operated upon any roadway within the corporate limits of the City of Hattiesburg, Mississippi.

B. No person shall ride on any vehicle upon any portion thereof not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to a person or persons riding within truck bodies in space intended for merchandise. This section shall not apply to any person engaged in a professional exhibition or person participating in an exhibition or parade, or any such person preparing to participate in such exhibitions or parades.

C. No person shall recklessly engage in any conduct which creates a substantial risk of physical injury to such other person or a third person.

D. No person shall recklessly engage in any conduct which creates a substantial risk of damage to the property of another.

E. The provisions of this section shall be in addition to other criminal laws, and actions taken pursuant to this section shall not bar prosecutions for other violations of criminal law.

F. Any person violating the provisions of this section shall upon conviction thereof be fined not more than \$1,000.00, or imprisoned not to exceed ninety (90) days, or subject to all such fine and imprisonment. (Ord. 2390, secs. 1--6, 12-3-91)

**Secs. 16-25 --- 16-29. Reserved.**

## **Article II. Abandoned Property**

### **DIVISION I. ABANDONED, WRECKED, ETC. VEHICLES**

#### **Sec. 16-30. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this article:

**Person** shall mean any person, firm, partnership, association, corporation, company, or organization of any kind.

**Vehicle** shall mean a machine propelled by power other than human power designed to travel along the ground by use of wheels, treads, runners, or slides and transport persons or property or pull machinery and shall include, without limitation, any vehicle which is without current license tag and/or which is (a) wrecked, (b) dismantled, (c) partially dismantled, or (d) inoperative. Storage shall mean being on or occupying the premises for thirty (30) days or more.

**Street or highway** shall mean the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

**Property** shall mean any real property within the city which is not a street or highway. (Ord. 1784, sec. 1, 2-21-73)

#### **Sec. 16-31. Abandonment of vehicles prohibited.**

No person shall abandon any vehicle within the city and no person shall leave any vehicle at any place within the city for such time and under such circumstances as to cause such vehicle reasonably to appear to have been abandoned. (Ord. 1784, sec. 2, 2-21-73)

#### **Sec. 16-32. Leaving of wrecked, nonoperating vehicles on street.**

No person shall leave any partially dismantled, nonoperating, wrecked, or junked vehicle on any street or highway within the city. (Ord. 1784, sec. 3, 2-21-73)

#### **Sec. 16-33. Disposition of wrecked or discarded vehicles.**

No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee, or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked, or discarded vehicle to remain on such property longer than seventy-two (72) hours; and no person shall leave any such vehicle on any property within the city for a longer time than twenty-four (24) hours; except that this article shall not apply with regard to a vehicle in an enclosed building; or a vehicle in an appropriate storage place or depository maintained in a lawful place and manner by the city. (Ord. 2448, sec. 1, 5-18-93; Ord. 1784, sec. 4, 2-21-73)

**Sec. 16-34. Impounding.**

The chief of police or any member of his department designated by him is hereby authorized to remove or have removed any vehicle left at any place within the city which reasonably appears to be in violation of this article or lost, stolen, or unclaimed. Such vehicle

shall be impounded until lawfully claimed or disposed of in accordance with Sections 63-23-5 et seq., 63-23-5, 21-39-21, of the Mississippi Code of 1972, Annotated as Amended. (Ord. 1784, sec. 5, 2-21-73)

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*Cross reference--Chapter 13, Land Development Code; sec. 23-5, automobile repairs, cleaning, storage, etc., prohibited.*

**Secs. 16-35. Reserved.**

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## DIVISION II. ABANDONED APPLIANCES AND EQUIPMENT

### Sec. 16-36. Definitions.

The following definitions shall apply in the interpretation and enforcement of this section:

**Abandoned Property** means appliances and equipment left unattended on a public street, road, highway or other public property for a period of a least five (5) days.

**Abatement** means the removal of junked equipment by the Public Services Department.

**Appliance** means any household or business instrument, device or equipment which has been left abandoned or unprotected from the elements, including but not limited to trailers, machinery, refrigerators, freezers, stoves, washing machines, fans, plumbing fixtures and other appliances and equipment.

**Land Code Administrator** means the administrative officer designated to administer the Land Development Code Ordinance and issue Certificates of Zoning Compliance.

**Person** means any person, owner or lessee, firm, business, partnership, sole proprietorship, association, corporation, company or organization of any kind.

**Planning and Community Development Department** means the department having the responsibility for administration, supervision, management and operation for Planning, Community Development, Code Enforcement, Geographic Information Systems and Intergovernmental Programs.

**Private Property** means any dwelling house, building or other structure designed to be used, either wholly or in part, for private residential purpose, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, sidewalk, driveway, porch, steps, vestibule, mailbox, or other structure belonging or appurtenant to such dwelling house building and other structures.

**Public Property** means any and all streets, boulevards, avenues, sidewalks, lanes, alleys or other public ways, and parks, squares, plazas, grounds and buildings frequented by the general public, whether publicly or privately owned.

**Street or Highway** means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public or privately owned.

**Within public view** means an offending condition readily visible from a public road, right-of-way, park, or other public place. (Ord. 2578, sec. 1, 1-21-97)

**Sec. 16-37. Abatement or removal order and service.**

The owner or tenant, in possession of private property upon which a violation exists, shall remove or abate it within five (5) days from service or written notice from the City to do so. Such notice shall be served upon such owner or tenant personally by leaving it at his dwelling house or usual place of abode with a competent member of his family of the age of sixteen (16) years or over then residing therein or upon partnership, corporation or association by serving personally a partner, officer, director, trustee, manager, general or registered agent; but, if such person does not reside or maintain an office within the City, the notice shall be served by ordinary mail and or certified mail, postage prepaid, addressed to the last known residence, office or principal place of business. If service of written notice is refused, and the certified mail envelope is returned with an endorsement showing such refusal, or the return of the person serving such notice states that service has been refused, notice shall be deemed complete when the fact of refusal is entered of record. Failure to claim certified mail is not refusal of service. If address is unknown, then service shall be accomplished by notice published once in the newspaper in which the legal notices of the City may be published.

Such notice shall contain the following information:

- A. Nature of complaint and findings;
- B. Description and location of the appliance or equipment or parts thereof;
- C. Statement that the appliance or equipment or parts thereof shall be removed from the premises no later than five (5) days from date of notification;
- D. Statement that removal from the location specified in the notification to another location upon which such storage is not permitted is prohibited and shall subject the person to additional penalties;
- E. Statement that if removal is made within the time limits specified, notification shall be given in writing to the Inspection Department;
- F. Statement of the penalties provided for noncompliance with such notice.

No person, after notification to remove any appliance or equipment or parts thereof or other used machinery or parts thereof from any private property has been given pursuant to this section, shall move the same to any other private property upon which such storage is not permitted or onto any public highway, street, avenue, alley or other public property for purpose of storage or abandonment. (Ord. 2578, sec. 4, 1-21-97)

**Sec. 16-38. Prohibition.**

The location or presence of any appliance or equipment on any lot, tract, parcel of land or portion thereof, occupied or unoccupied, improved or unimproved, with the City of Hattiesburg shall be deemed a public nuisance, and it shall be unlawful for any person or persons to cause or maintain such public nuisance by wrecking, dismantling, or rendering inoperable, abandoning or discarding his/her/their appliances or junked equipment of the property of another or to suffer, permit or allow the same to be placed, located, maintained or exist upon his/her/their own real property, and the location or presence of any such appliances and or equipment, particularly refrigerators and freezers without the doors having been completely removed. (Ord. 2578, sec. 2, 1-21-97)

**Sec. 16-38.1. Presumption.**

If any prohibited item shall remain on private property for five (5) days or more, it shall be presumed that its presence there resulted from the act or consent of the landowner/tenant in possession. (Ord. 2578, sec. 2, 1-21-97)

**Sec. 16-39. Disposal of appliances or equipment.**

Disposal of appliances and equipment shall be in accordance with Section 11-9 through 11-17.12 of the Code of Ordinances of the City of Hattiesburg. If an appliance or piece of equipment such as refrigerators and freezers, has a door, such door must be removed from the item before such item is left on the City right of way for pickup. (Ord. 2578, sec. 5, 1-21-97)

**Sec. 16-40. Authority to enforce.**

It shall be the duty of the Department of Planning/Community Development/Land Code Administrator, with the assistance of the Chief of Police and his designees, to enforce this section. The authorities may enter upon private property for the purpose of obtaining the identity and description of appliances and equipment and parts thereof declared to be a nuisance pursuant to this section. (Ord. 2578, sec. 6, 1-21-97)

**Sec. 16-41. Application.**

Nothing in this section shall affect sections that permit immediate removal of a vehicle left on public property which constitutes an obstruction to traffic. (Ord. 2578, sec. 7, 1-21-97)

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*Cross reference--Abandoned, Wrecked, etc., Vehicles; sec. 16-30*

**Sec. 16-41.1. Penalty.**

Upon conviction for violation of any provisions of this section relating to the maintaining of a public nuisance as described herein or in permitting or allowing such public nuisance to exist, such violator shall be guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding ninety (90) days, or both; each day that such; violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**Sec. 16-42. Reserved.**

**Article III. Precious Metal and Gem Dealers**

**Sec. 16-43. Holding period for items.**

It shall be unlawful for any person, firm, or corporation acquiring, purchasing or otherwise dealing in precious metals, gems, stones, antique, used or scrap jewelry, flatware, silverware, silver, gold or other precious metals in whatever form, for a period of five (5) days from the date of said purchase or other acquisition, to sell, exchange, barter or remove from the place in which said business is conducted or to change the form of any such item by remounting, melting, cutting up or otherwise to change the form of any of said items described herein. (Ord. 2039, sec. 1, 11-18-80)

**Sec. 16-44. Separation of items during holding period.**

During the five-day period set forth and provided for in sec. 16-43 above, all items described in sec. 16-43 shall be kept physically separated according to the date of purchase or other acquisition and shall not be commingled with any other personality. (Ord. 2039, sec. 2, 11-18-80)

**Sec. 16-45. Log of purchases; contents; availability for inspection.**

Every person, firm or corporation dealing in the items described in sec. 16-43 shall maintain a log in duplicate and shall enter on said log a clear and accurate description of any items described in sec. 16-43 which are purchased or otherwise acquired and the date and amount of money or other thing of value paid for or accepted for said items and the name, race, sex, driver's license number, including the state of issuance of said license, residence and address of the seller. The seller and the purchaser shall each sign the log acknowledging the accuracy of the description of said items sold and the consideration paid for said items. The log provided for herein shall at all times be open to the inspection of the chief of police or any member of the police force. The original log shall be carefully preserved without alteration. Failure to log each purchase or other acquisition of any item described in this article shall constitute a separate violation of this article. (Ord. 2039, sec. 3, 11-18-80)

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*Cross references-Peddlers, solicitors and other itinerant merchants generally, Ch. 17; transient precious metal and gem purchasers, see Ordinance No. 3084, adopted 2/21/12*

**Sec. 16-46. Dealer to notify police chief upon receiving information that any articles have been lost or stolen.**

It shall be the duty of every person, firm or corporation engaging in the activities herein described upon receiving information or learning that any goods, articles or things sold, or left in possession of said person, firm or corporation have been lost or stolen to notify in writing the chief of the police department of the City of Hattiesburg of the facts, giving the name of the person from whom the same was received and any other facts in connection therewith that may be beneficial to the police department. (Ord. 2039, sec. 4, 11-18-80)

**Sec. 16-47. Violations; penalties.**

A. Each day any person, firm or corporation engaged in activities defined herein shall fail to maintain a log as required or commit other violations of this article said violations shall constitute a separate offense for each day said violation continues.

B. Every person, firm or corporation, their agents, or employees, who shall violate any of the provisions hereof shall on conviction thereof be deemed guilty of a misdemeanor and shall be fined in a sum not to exceed five hundred dollars (\$500.00) or imprisoned for not more than ninety (90) days or both for each offense. (Ord. 2039, secs. 5, 6, 11-18-80)

**Sec. 16-48 -- 16-54. Reserved.**

## Article IV. NOCTURNAL CURFEW

### Sec. 16-55. Definitions.

The following terms, phrases, words and their derivations shall have the meanings given herein. When not in consistent with the context, words used in the present tense include the future, words in the plural number include the singular and words in the singular number include the plural. The word "shall" is also mandatory and not merely directory.

**Curfew Hours** means:

- (i) 11:00 p.m. on any Sunday, Monday, Tuesday, Wednesday or Thursday until 6:00 a.m. of the following day; and
- (ii) 12:01 a.m. until 6:00 a.m. on any Saturday or Sunday.
- (iii) 9:00 a.m. until 2:00 p.m. on any Monday, Tuesday, Wednesday, Thursday or Friday during the school term in which a compulsory school-age child is to be enrolled in a public or private legitimate non-public school, as required by the Mississippi Compulsory School Attendance Law (§37-13-91, et.seq., MS Code Annotated). This curfew provision applies only to those minors to whom the MS Compulsory School Attendance Law applies.

**Emergency** means an unforeseen combination of circumstances or the resulting state that calls for immediate action. This term includes, but it is not limited to, a fire, a natural disaster, or automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

**Serious Bodily Injury** means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

**Establishment** means any privately-owned place of business operated for a profit to which the public is invited, including but not limited to any place of amusement or entertainment.

**Guardian** means:

- (i) a person, who, under Court Order, is the guardian of the person of a minor; or
- (ii) a public or private agency with whom a minor has been placed by a Court.

**Minor** means a person under eighteen (18) years of age.

**Operator** means an individual, firm, association, partnership, or corporation operating, managing, or conducting any establishment. The term includes the members or parents of an association or partnership and the officers of a corporation.

**Parent** means a person who is:

- (I) a natural parent, adoptive parent; or
- (ii) at least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

**Public Place** means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

**Remain** means:

- (i) linger or stay; or
- (ii) fail to leave premises when requested to do so by a Police Officer or the owner, operator, or other person in control of the premises.  
(Ord. 2576, sec. 1, 12-17-96; Ord. 2508, sec. 1, 11-22-94)

### **Sec. 16-56. Offenses**

- (a) A minor commits an offense if he remains in any public place or on the premises of any establishment within the City during curfew hours.
- (b) A parent or guardian of a minor commits an offense if he knowingly permits, or by insufficient control allows, the minor to remain in any public place or on the premises of any establishment within the City during curfew hours.
- © The owner, operator, or any employee of an establishment commits an offense if he knowingly allows a minor to remain upon the premises of the establishment during curfew hours.

(Ord. 2576, sec. 2, 12-17-96; Ord. 2508, sec. 2, 11-22-94)

### **Sec.16-57. Defenses**

A. It is a defense to prosecution under Section 16-56(a) that the minor was:

- (1) accompanied by the minor's parent or guardian;
- (2) on an errand at the direction of the minor's parent or guardian, without any detour or stops;
- (3) with parental consent, in a motor vehicle engaged in bonafide interstate or intrastate travel through the City of Hattiesburg. This also exempts all interstate or intrastate travel beginning or ending in the City of Hattiesburg.
- (4) engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
- (5) involved in an emergency;
- (6) on the sidewalk abutting the minor's residence or abutting the residence of a next-door neighbor if the neighbor did not complain to the Police Department about the minor's presence;
- (7) attending an official school, religious or other recreational activity supervised by adults and sponsored by the City of Hattiesburg, a civic organization, or another similar entity that takes responsibility for the minor, or going to or returning home from, without any

detour or stop, an official school, religious or other recreational activity supervised by adults and sponsored by the City of Hattiesburg, a civic organization or other similar entity that takes responsibility for the minor;

- (8) 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; or
- (9) married or had been married or had disability of minority removed by a Court of law;

B. It is a defense to prosecution under section 16-56<sup>©</sup> that the owner, operator or employee of an establishment promptly notified the Police Department that a minor was present on the premises of the establishment during curfew hours and refused to leave. (Ord. 2576, sec. 4, 12-17-96, Ord. 2508, sec. 4, 11-22-94)

### **Sec. 16-58. Enforcement**

Before taking any enforcement action, a Police Officer shall ask the apparent offenders age and reason for being in the public place or establishment. The officer shall not issue a citation or make an arrest unless the officer reasonably believes that an offense has occurred and that based on any response and other circumstances, no defenses in section 16-57 is present. (Ord. 2576, sec. 5, 12-17-96; Ord. 2508, sec. 5, 11-22-94)

### **Sec. 16-59, Penalties**

- A. A person who violates a provision of this Ordinance is guilty of a separate offense for each day or part of a day during which the violation is committed, continues, or permitted. Each offense, upon conviction, is punishable by a fine not to exceed Five Hundred Dollars (\$500.00).
- B. By discretion of the Municipal Court, the Municipal Court may waive original jurisdiction over a minor who violates Section 16.56 (a) or a parent under Section 16.56(b) where the Youth Court of Forrest or Lamar County assumes jurisdiction in proceedings concerning a delinquent or neglected minor residing in the County under §43-21-151, Mississippi Code Annotated.(Ord. 2576, sec. 6, 12-17-96; Ord. 2508, sec. 6, 11-22-94)

### **Sec. 16-60. Construction and Severability**

Severability is intended through and within the provisions of the Curfew Ordinance. If any provision, including inter alia any exception, part, phrase or term of or the application thereof to any person or circumstances is held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of the Curfew Ordinance in any and all other respects shall not be affected thereby. It is intended that the Curfew Ordinance be held inapplicable in such cases, if any, where its application would be unconstitutional. A constitutional construction is intended and shall be given. It is not the intent of this article to violate the Constitution of the State of Mississippi or the Constitution of the United States of America.(Ord. 2576, sec 7, 12-17-96; Ord. 2508, sec 7, 11-22-94)

**Sec. 16-61. Continuing Evaluation**

Within, six (6) months, after the initial enforcement of this Ordinance and every six (6) months thereafter, the Chief of Police shall provide the City Council with a report and make recommendations concerning the effectiveness of and the continuing need for the Ordinance. The report shall specifically include the following information:

- (a) the particularity of enforcing the Ordinance and any problems with enforcement identified by the Police Department;
- (b) the impact of the Ordinance on crime statistics;
- (c) the number of persons successfully prosecuted for a violation of the Ordinance;
- (d) after receipt of the Police Chief's report by the City Council, it shall be placed on the City Council Agenda for discussion, review and continuing its evaluation.

(Ord. 2576, sec. 8, 12-17-96; Ord. 2508, sec. 8, 11-22-94)

**Secs. 16-62 --- 16-70. Reserved.**

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## **Article V. Municipal Offense Tickets**

### **Sec. 16-71. Definitions.**

The following words and terms shall mean as follows:

**City** shall mean the City of Hattiesburg.

**Officer** shall mean the duly authorized Land Code Development Administrator, his/her duly authorized deputies or other properly designated City employees as may be provided by any one or more sections covered by this ordinance.(Ord. 2717, sec. 1, 2-8-00;Ord. 2628, sec 1, 3-17-98; Ord 2639, sec 1, 5-19-98)

**Notice of Violation** shall mean the official notification of the violation to the violator.

**Municipal Offense Ticket** shall mean the complaint and citation form issued to violator of code.(Ord. 2717, sec. 1, 2-8-00)

### **Sec. 16-72. Purpose.**

The purpose of this article is to allow certain laws and sections of the Code of Ordinances of the City of Hattiesburg, Mississippi, (1990) to be penalized by issuance of a notice of violation or a municipal offense ticket, to establish a schedule of fines for said offenses, and to authorize certain City employees to issue notice of violation or municipal offense tickets. The process and procedure set forth in this section shall be supplemental to and not to the exclusion of any and all ordinances of the City of applicable laws of the State of Mississippi.(Ord. 2717, sec. 2, 2-8-00;Ord.2628, sec.2, 3-17-98; Ord. 2639, sec 2, 5-19-98)

### **Sec. 16-73. Goals.**

The goals of this section are:

1. To promote livability for the residents of the neighborhoods of the City of Hattiesburg;
2. To improve the quality of life of all residents;
3. To encourage adherence to the laws and codes of the City of Hattiesburg
4. To provide for the health, safety and welfare of the residents of the City of Hattiesburg  
(Ord. 2717, sec. 3, 2-8-00;Ord. 2628, sec. 3, 3-17-98; Ord. 2639, sec. 3, 5-19-98)

### **Sec. 16-74. Objective.**

To provide an efficient and effective process by which complaints concerning dilapidated structures, unclean properties and other code violations may be resolved in an expedient and efficient manner.(Ord. 2717, sec. 4, 2-8-00;Ord. 2628, sec. 4, 3-17-98; Ord. 2639, sec. 4, 5-19-98)

**Sec. 16-75. Procedure.**

The following procedure shall be adhered to:

**A. Complaints:**

1. All complaints regarding dilapidated structures, unclean properties, and/or code violations will be directed to the City of Hattiesburg's Action Center and, where applicable to the provisions of this section, distributed to the Land Code Development Administrator or otherwise distributed to appropriated City departments for handling.
2. The Hattiesburg Action Line staff will be responsible for recording and documenting all complaints.

**B. Inspections:**

1. The Officer will be responsible for making an initial inspection after notification by the Action Center and for making a determination regarding the validity of the complaint.
2. If the suspected violation involves an area outside the Land Code Development Administrator's designated area of expertise, the Officer shall return the notification to the Action Line staff for them to properly record and forward to the appropriate City department for handling.
3. If Officer determines that the complaint is not a violation, then the complaining party will be notified in writing by the Action Center staff.
4. If there appears to be a violation, the Officer will document the violation and deliver an official Notice of Violation to the violator by one of the following means:
  - A. Personally deliver
  - B. Posting
  - C. By Certified Mail  
(If posting by leaving a copy on their door,  
must also send a copy certified mail)
5. A copy of the notice of violation will be sent to the Code Enforcement Clerk for follow-up and action. The Code Enforcement Clerk will be responsible for maintaining accurate and complete records of each violation received from the Officer.
6. The Code Enforcement Officer shall be responsible for establishing a case file that is designated by case number, shall make a determination relative to who should be charged with the violation and provide time and date stamped photographs of the violation.

7. On the date designated in the notice of violation for reinspection, the Officer will be responsible for inspecting the violation to determine if it has been corrected. If the violation has been abated, it will be noted resolved on the reverse side of the Notice of Violation and returned to the Code Enforcement Clerk for file closing. The Code Enforcement Clerk will appropriately notify the Action Center.
8. If the violation is not abated, then, based upon the offense, the violation may be pursued by the Officer through the Municipal Court or through the Lien Process provided for in Section 21-19-11, MS Code of 1972, as follows:
  - A. Municipal Court Process: Municipal Court to abate violations as referred to in this document.
  - B. Lien Process: This process involves the tearing down of dilapidated buildings or structures and/or cleaning of property as provided for in Section 21-19-11, MS Code of 1972.
9. If the matter should be pursued in Municipal Court, then the process outlined below should be followed; however, if it is appropriate to use the Lien Process, then the public hearing process by the City Council should be followed, as provided for in Section 21-19-11, MS Code of 1972.

**C. Procedure for Filing Complaints in Municipal Court:**

1. Once a violation has been confirmed and a determination has been made to proceed in Municipal Court, then the Officer shall complete the Municipal Offense Ticket Complaint and Citation Form
2. The complaint shall cite the sections(s) of the law being violated and generally describe the violation through the use of a check list to be attached (see Exhibit A).
3. The Officer shall complete the Municipal Offense Ticket Complaint and Citation form, and using the court date pre-determined by the Municipal Court Judge when delivering the Complaint and Citation form to the defendant.
4. The Officer shall deliver the Complaint and Citation Form to the violator by one of the following means:
  - A. Personally deliver
  - B. Posting
  - C. By Certified Mail  
(If posting by leaving a copy on their door, must also send a copy certified mail)

Time and date stamped photographs, showing the violation still exists, are to be placed in the file. The time and date that the complaint and citation is delivered must be documented in the case file and a copy of the delivered document must be retained in the case file.

**D. Municipal Court - Code Enforcement Division:**

1. The Municipal Judge will be responsible for establishing a specific day or days each month on which dilapidated structures, unclean properties and/or code violation cases will be heard.

2. On the hearing date, the Officer will appear in court with the following items:

- \*Case Files
- \*Initial & Current Photographs
- \*Appropriate Documentation

**E. Methods of Enforcement in Municipal Court of Code Violations**

The Court may deal with each defendant in accordance with one of the following procedures:

A. Delay Disposition

When the defendant appears in Court, the judge may delay disposition of the case in order to give the defendant time to clear the problem by a certain date and that a defendant appears in court on that date. Property is to be inspected immediately before that date to see if the problem has been resolved; if so, the charge will be dismissed without costs or penalty. If not resolved, the judge will take a plea and set a trial, if necessary. If there is a conviction, handle as below. (Ord. 2639,5-19-98)

B. Take a Plea

Compel the defendant to appear in court by warrant or citation, the judge will take a plea.

1. If defendant pleads guilty or is found guilty after a not guilty plea, a fine and court costs will be assessed.
2. The judge may suspend the fine (cannot suspend costs) on condition that the problem be cleared by a given date, after which property will be inspected. If violation is abated, no further action is necessary. If not abated, a warrant will be issued compelling the defendant to appear before the court to determine if the suspension should be revoked and defendant be required to pay the suspended fine.

C. Take a Plea

Compel the defendant to appear in court by warrant or citation.  
When defendant appears, the judge will take a plea.

1. If defendant pleads guilty or is found guilty after a not guilty plea, the judge will impose a sentence or a fine and costs and order the defendant jailed. Either or both the fine and jail may be suspended and handled as above or defendant may be immediately placed in jail and ordered to pay the fine and costs.

2. Any conviction in the Municipal Court may be appealed to the County Court for a new trial. City staff will present cases before a county judge with a court reporter present.
3. The Municipal Court Clerk shall provide a copy of the Court's determination to the Officer following each court date.
4. The Officer is responsible for ensuring that future Court dates are noted and that required photographs will be available to the Court on the date of a defendant's required reappearance.(Ord. 2717, sec. 5, 2-8-00;Ord. 2628, sec. 5, 3-17-98; Ord. 2639, sec. 5, 5-19-98)

**Sec. 16-76. Ordinances and Technical Codes**

The City has numerous laws that are applicable to the goals and objectives of Property Court.

However, the three primary laws that will be used to achieve these goals and objectives are the International Property Maintenance Code, Standard Housing Code and the following Chapters of the Code of Ordinances of the City of Hattiesburg:

Chapter 4	Animals and Fowls
Chapter 9	Electricity
Chapter 10	Flood Hazard
Chapter 11	Garbage, Trash and Weeds
Chapter 12	Health and Sanitation
Chapter 13	Land Development Code
Chapter 14	Licenses
Chapter 17	Peddlers, Solicitors, Etc.
Chapter 19	Public Amusement
Chapter 21	Sewage Disposal
Chapter 22	Standard Codes
Chapter 28	Water

Citations of the preceding laws and schedule of fines are attached as Exhibit A.(Ord. 2717, sec. 6, 2-8-00;Ord. 2828, sec 6, 3-17-98; Ord. 2639, sec. 6, 5-19-98)

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**Sec. 16-77. Court Orders.**

The following Court Orders shall be adopted and entered by the Municipal Court necessary to implement the process and procedures set forth by this section:

ORDER

The Court finds and determines that there is a need to establish a Code Enforcement Division of this Court and to adopt rules therefor.

Therefore, It is ordered:

1. That there is hereby established a Code Enforcement Division of the Municipal Court to deal with cases involving violations of the following Chapters of the Code of Ordinances:

Chapter 4	Animals and Fowls
Chapter 9	Electricity
Chapter 10	Flood Hazard
Chapter 11	Garbage, Trash and Weeds
Chapter 12	Health and Sanitation
Chapter 13	Land Development Code
Chapter 14	Licenses
Chapter 17	Peddlers, Solicitors, Etc.
Chapter 19	Public Amusement
Chapter 21	Sewage Disposal
Chapter 22	Standard Codes
Chapter 28	Water

the technical codes adopted by the City; others laws prohibiting persons from maintaining their property in an unsightly, unsafe, or unsanitary condition; and all other laws regulating real property in the City.

2. That complaints filed within the Code Enforcement Division will be identified by the letter "E" preceding each case number.

3. That complaints filed within the Code Enforcement Division shall have sequential numbers which shall be different from traffic complaints, implied consent complaints, or general complaints.

4. That the cases within the Code Enforcement Division shall be set for hearing at \_\_\_\_\_ on the \_\_\_\_\_ of each month in the courtroom of the Municipal Court at #1 Government Plaza, Hattiesburg, Mississippi.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_.

\_\_\_\_\_  
Municipal Judge

IN THE MUNICIPAL COURT OF THE CITY OF HATTIESBURG, MISSISSIPPI  
IN THE ISSUANCE OF CITATIONS  
IN LIEU OF ARREST WARRANTS  
FOR CASES IN CODE ENFORCEMENT  
DIVISION OF THIS COURT

ORDER

Pursuant to Section 21-23-7(9), Mississippi Code of 1972, in lieu of the Court initially issuing an arrest warrant in the enforcement of complaints filed by employees and officials of the City under the Code Enforcement Division of this Court in the enforcement of laws regulating real property such as, but not limited to Chapters as follows: Chapter 4 - Animals and Fowls, Chapter 9 - Electricity, Chapter 10 - Flood Hazard, Chapter 11 - Garbage, Trash and Weeds, Chapter 12 - Health and Sanitation, Chapter 13 - Land Development Code, Chapter 14 -Licenses, Chapter 17 - Peddlers, Solicitors, Etc., Chapter 19 - Public Amusement, Chapter 21 - Sewage Disposal, Chapter 22 - Standard Code, Chapter 28 - Water of the Code of Ordinances, the official signing the Complaint is hereby directed to deliver to the defendant in such Complaint the original of the Complaint and Citation by one of the following means:

1. Personally deliver
2. Posting
3. By Certified Mail  
(If posting by leaving a copy on their door, must also send copy certified mail)

which includes the date and a time therein to appear before the Code Enforcement Division of the Municipal Court to answer the Complaint. A copy of the complaint shall be filed with Court Clerk and the complaining officer shall retain a copy in the established case file.

If the defendant fails to appear at the time and date provided in the citation, an arrest warrant shall be issued, unless the court determines it is not appropriate to do so.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, A.D., 20\_\_.

\_\_\_\_\_  
Municipal Judge

(Ord. 2717, sec. 7, 2-8-00)

**Sec. 16-79. Forms.**

Notice of Violation and Municipal Offense Tickets as designed, with revisions as needed, by the Land Code Administrator.(Ord. 2717, sec.8, 2-8-00)

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Exhibit A

**NOTE:** \* shall mean "not to exceed"  
 \*\* shall mean "each day separate offense"

<u>VIOLATION</u>	<u>CODE SECTION</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>	<u>TIME</u>
General Penalty-for anything not specified	1-10	\$1000*	90 days	**
Enhanced Penalties	1-11		Double the penalty provided by law	
Animal Control	4-38	\$ 500*	90 days	
Electrical Code	9-18	\$ 500*	90 days	**
Flood Hazard Areas	10-15	\$ 100*	30 days (Plus Court Costs)	**
Disposal of waste into creeks	11-1	\$ 500*	30 days	**
Grass & Weeds removed from lots	11-2	in compliance with MS Code 21-19-11		
Disposal of bulky refuse	11-17.11	\$1000*	90 days	**
Deodorizing, insect & Pest Treatment of refuse containers	11-21	\$ 500*	30 days	**
Littering	11-48	\$1000*	90 days	**
Hazardous Materials	11.1-9	\$500*	90 days	**
Breeding places for mosquitoes	12-12	\$500*	30 days	**

Land Development Code	13 all sections Not more than five hundred (\$500) dollars, per offense, and in addition shall pay all costs and expenses as determined by the Court. Each day such violation continues shall constitute a separate offense, and may be subject to additional requirements or conditions granted or imposed, after having been duly notified, and any owner, developer, sub-divider of any land or lot, or representative of any land owner, premises or part thereof, and any builder, contractor, owner, agent or other person who knowingly commits, participates or assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provide.		
Failure to obtain Privilege License on Alcohol	14-8	\$1000* (Not less than double license)	90 days
Failure to obtain garage sale permit	14-35	\$ 300*	90 days
Disturbing worship or school	15-1	see City Code Section 1-11 - Enhanced Penalties	
Making unnecessary noise	15-9	\$ 300*	90 days
Despoiling Property	16-7	see City Code Section 1-11 Enhanced Penalties	
Fire Hose-Tampering with or running over hose	16-17	see City Code Section 1-20 General Penalty	
Interfering with City employees	16-15	\$1000*	90 days
Maintain log of precious metals & gems	16-47	\$ 500*	90 days
Transient Vendor failure to obtain license	17-17	\$ 500*	6 mo.**

Failure to keep register at Hotels, etc.	18-13	\$ 300*	90 days
Junk dealer or pawn-broker/receive stolen goods	18-14	see City Code Section 1-10 - General Penalty	
Maintain Railroad signal lights	20-4	\$ 500*	90 days **
Railroad Crossing Maintenance	20-5	\$ 500*	90 days **
Sewage disposal	21-13	\$ 500*	90 days **
Use of Public Sewers	21-27	\$ 300*	**
Not removing commercial signs off vacant bldg	22-7	\$500*	6 months
Numbering Structures	23-3	\$1000*	90 days (each week separate offense)
Tree Branches over hanging sidewalks (23-4)	23-69	\$ 500*	90 days
Erect seats on sidewalks (23-8)	23-69	\$ 500*	90 days
Obstructing sidewalks (23-9)	23-69	\$ 500*	90 days
Unsafe poles (23-52)	23-69	\$ 500*	90 days
Moving Bldg or over-sized loads over street (23-64)	23-69	\$ 500*	90 days
Trailers & Mobile Homes	26-2	\$ 500*	90 days
Taxicabs	27-9	\$1000*	90 days
Horse-drawn vehicle	27-31	\$1000*	90 days
Limousine Service	27-46	\$1000*	90 days
Tampering with Water	28-18	\$ 500*	90 days

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