

**TITLE XIII: GENERAL OFFENSES**

Chapter

**130. GENERAL OFFENSES**



## CHAPTER 130: GENERAL OFFENSES

### Section

- 130.01 Discharging firearms
- 130.02 Trespassing on business parking lot
- 130.03 Trespassing on private property
  
- 130.99 Penalty

### § 130.01 DISCHARGING FIREARMS.

(A) No person shall discharge any gun, pistol, cannon, or other firearm within the city except in accordance with this section. ('86 Code, § 36-8-2-4(a))

(B) A police officer may discharge a weapon in the performance of his or her duty. ('86 Code, § 36-8-2-4(b))

(C) Any person may discharge a weapon if that person has reasonable cause to believe that his life or property is in clear and present danger. ('86 Code, § 36-8-2-4(c)) (Ord. 27, passed 1-3-1871; Am. Ord. 73, passed 8-11-1884; Am. Ord. 74, passed 9-1-1884; Am. Ord. 75, passed 11-12-1884) Penalty, see § 130.99

***Cross-reference:***

*Police Department firearms policy, see §§ 37.055 through 37.063*

***Statutory reference:***

*Regulation of dangerous conduct or property, see IC 36-8-2-4*

### § 130.02 TRESPASSING ON BUSINESS PARKING LOT.

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

***BUSINESS PARKING LOT.*** Any privately-owned parking lot providing free parking during business hours adjacent to any store, office building, commercial building or industrial building, for the convenience of employees and customers, patrons or other persons doing business with the occupants of the business on the premises.

***PERSON.*** Any person, firm, corporation or association.

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(B) No person shall enter or stay on any business parking lot at any time when staying or entering the lot is prohibited by the owner, as shown by a sign located on the premises of the parking lot in the form as set out in division (C) of this section. No person shall place or leave any vehicle on any business parking lot during any such prohibited time.

(C) The prohibition set out in division (B) of this section shall be in effect at any business parking lot where the owner or person lawfully in charge of the premises has posted a sign or signs clearly stating the prohibition. Signs must be placed so that they can be seen at the main entrance to the lot in a manner likely to come to the attention of the public. Each sign shall contain substantially the following language:

NO PARKING BETWEEN \_\_\_\_\_ P.M. AND \_\_\_\_\_ A.M.  
 VIOLATORS MAY BE CHARGED WITH CRIMINAL TRESPASS,  
 A CLASS A MISDEMEANOR.

SALEM CITY CODE § 130.02  
 IC 35-43-2-2

(D) The following uses of a parking lot shall not be violations of this section:

- (1) Temporary entrance to a business parking lot in an emergency or to avoid an accident.
- (2) Entrance by a police officer or officers in the course of duty.
- (3) Entrance by fire, ambulance, or other emergency personnel equipment, in the course of duty.
- (4) Entrance by an owner, tenant, or employee of any owner or tenant of any establishment served by the parking lot.
- (5) Entrance by any city inspector in the course of duty.

(E) Each owner or person lawfully in charge of the premises shall notify in writing the office of the Chief of the Salem Police Department of the posting of the sign and its content. Upon written notification of the posting of a sign in substantial compliance to the provision of division (C) of this section, persons found on the premises may be subject to the penalty provided in § 130.99.

(F) The owner or person in charge of any parking lot may grant temporary permission to use the lot during any specified hours when parking or trespass is normally prohibited, by posting temporary signs or posters to that effect. The owner or person in charge shall notify the Office of the Chief of the Salem Police Department of any such temporary permission.

(Ord. 789, passed 11-8-93) Penalty, see § 130.99

***Cross-reference:***

*Parking regulations, see Chapter 71*

**§ 130.03 TRESPASSING ON PRIVATE PROPERTY.**

(A) No person shall enter or stay on any private property, including business or residential entryways, when staying or entering the premises is prohibited by the owner as shown by a sign located on the premises of the private property in the form as set out in division (B) below. No person shall enter or remain on any such private property during any such prohibited time.

(B) The prohibition set out in division (A) above shall be in effect at any private property where the owner or person lawfully in charge of the premises has been posted a sign or signs clearly stating the prohibition. Signs must be placed so that they can be seen at the main entrance to the private property in a manner likely to come to the attention of the public. Each sign shall contain substantially the following language:

NO PERSON MAY ENTER AND REMAIN ON THIS PROPERTY, INCLUDING THE STEPS AND ENTRYWAY THERETO, BETWEEN \_\_\_\_\_ P.M. AND \_\_\_\_\_ A.M. VIOLATORS MAY BE CHARGED WITH CRIMINAL TRESPASS, A CLASS A MISDEMEANOR.

SALEM ORDINANCE NO. 1018  
 IC 35-43-2-2  
 SALEM CITY CODE SECTION 130.03

(C) The following uses of private property shall not be violations of this section:

- (1) Temporary entrance to a premises in an emergency or to avoid an accident.
- (2) Entrance by a police officer or officers in the course of duty.
- (3) Entrance by fire, ambulance or other emergency personnel equipment in the course of duty.
- (4) Entrance by an owner, tenant, or employee or any owner or tenant of any establishment served by the premises.
- (5) Entrance by any City Inspector in the course of duty.

(D) Each owner or person lawfully in charge of the premises shall notify in writing the office of the Chief of Police and the office of the County Prosecuting Attorney of the date of posting of a sign and its content. Upon written notification of the posting of a sign in substantial compliance to the provisions of division (B) above, then persons found on the premises may be subject to arrest and/or citation for criminal trespass and be subject to prosecution of a Class A misdemeanor in either the Washington Circuit Court or Washington Superior Court as determined by the Office of the County Prosecutor. (Ord. 1018, passed 9-12-00)

**§ 130.99 PENALTY.**

Any person who violates any provision of this chapter for which no penalty is otherwise provided shall, upon conviction, be subject to a fine not exceeding \$2,500. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.