

TITLE XIII: GENERAL OFFENSES

Chapter

130.GENERAL OFFENSES

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Cross-reference:

Fees, see Chapter 35, Appendix A

Interference with Fire Department operations, see § 32.23

Interference with ambulance, see § 95.17

§ 130.01 LIQUOR IN PUBLIC PLACES.

The following are hereby declared to be nuisances affecting public morals and decency and are hereby prohibited:

(A) The drinking or consuming of intoxicating liquors or liquor or 3.2% malt liquor by any person on the public streets, public alleys, public parks, or other public lands in the city;

(B) For any person to have in his or her possession on his or her person while on the public streets, public alleys, public parks, or other public lands in the city, any open bottle or receptacle containing intoxicating liquor or liquor or 3.2% malt liquor;

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

3.2% MALT LIQUOR. Malt liquor containing not less than 0.5% alcohol by volume nor more than 3.2% alcohol by weight.

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

(D) The City Council may permit the possession and consumption of liquor and 3.2% malt liquor in any public park or ball park if it is served under a license or permit issued under the provisions of Chapter 110.

(Ord. passed - -1976) Penalty, see § 130.99

Cross-reference:

Public nuisances affecting morals and decency; liquor and the like, see § 93.03

§ 130.02 FIREARMS.

(A) No person or persons shall fire or discharge any gun, pistol, or firearms of any description within the corporate limits of the city.

(B) No person or persons shall carry any gun, pistol, or firearm of any description within the corporate limits of the city unless such gun, pistol, or firearm is dismantled or broken apart or carried in a case in such manner that it cannot be discharged.

(C) The terms of this section shall not prohibit the use of firearms by duly authorized police officers and law enforcement officers within the city.

(D) No person or persons shall use, discharge or carry air rifles or BB guns or carry or use sling shots within the city limits.

(E) It shall be unlawful for any parent or guardian of any minor person to knowingly permit such minor person the use or discharge of the firearms, air guns, BB guns or sling shots mentioned in subsections (A), (B), and (D) of this section.

(Ord. passed 8-1-1957) Penalty, see § 130.99

§ 130.03 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;
and

(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 time used by the police dispatcher.

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 9 p.m. on school nights and 10 p.m. on non-school nights and 6 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 10 p.m. on school nights and 11 p.m. on non-school nights and 6 a.m. the following day, official city time.

(D) *Effect on control by adult responsible for mirror.* 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.

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(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 such 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;

(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 designated 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 designated law enforcement provider that a minor was present on the premises of the establishment during curfew hours and refused to leave.

(I) *Penalties.*

(1) *Minors.* Any minor found to be in violation of this section may be adjudicated delinquent and shall be subject to the dispositional alternatives set forth in M.S. § 260.185, as amended.

(2) *Adults.* Any adult person found to be in violation of this section shall be guilty of a misdemeanor and may be sentenced up to the maximum penalty authorized by state law for a misdemeanor as provided in § 10.99.

Penalty, see § 130.99

(Ord. 44, passed 10-1-1936; Am. Ord. 91-1, passed 8-8-1991) Penalty, see § 130.99

Cross-reference:

Fee, see Chapter 35, Appendix A

§ 130.04 DISORDERLY CONDUCT.

All brawling, obscene language and deportment, and indecent exposure of the person in any of the streets, alleys, or public places in the city, and all riots and riotous conduct, unusual and offensive noise and disturbances, breaches of peace, fighting or quarreling in any of the streets, alleys, stores, saloons, or other public places, and the wanton and willful or mischievous throwing of stones, sticks, snowballs, or other offensive or injurious missiles in the streets or alleys, and all wanton, willful, or mischievous disturbances of any religious or other public meetings, schools, or assemblages within the limits of the city are hereby prohibited.

(Ord. 3, passed 6-10-1893) Penalty, see § 130.99

Cross-reference:

Fee, see Chapter 35, Appendix A

§ 130.05 GAMBLING.

All lotteries, gift enterprises, all descriptions of gambling, fraudulent devices and practices, all sleight of hand tricks and performances, and playing cards, dice, or other games of chance for the purpose of gaming or for gain, money, or other valuable things within the limits of the city are hereby prohibited. No owner or person having charge or control of any building or room in the city shall lease or let the same or any part thereof to be used for any of the purposes aforesaid. No owner or other person having charge or control of any hotel, saloon, or other public place within the city shall allow or permit any gaming, fraudulent devices or practices, sleight of hand tricks or performances, playing cards, dice or other games of chance for the purpose of gaming or for gain, money, or other valuable things upon the premises owned or occupied by him or her or of which he or she has charge or control. Any person is hereby prohibited from engaging in or playing at the aforementioned games of chance and is to be deemed equally guilty as the owner or proprietor of the building or room in which such games

of chance are being conducted. This section does not prohibit any lawful gambling licensed under the provisions of Chapter 113.

(Ord. 3, passed 6-10-1893; Am. Ord. 40, passed 10-1-1936) Penalty, see § 130.99

Cross-reference:

Public nuisances affecting morals and decency; gambling and the like, see § 93.03

§ 130.06 DISPENSING DRUGS.

It shall be unlawful for any person to perform any kind of drugging within the city without first procuring a license from the City Council.

(Ord. 11, eff. 4-4-2000) Penalty, see § 130.99

§ 130.99 PENALTY.

Any person who violates any provision of this chapter for which another penalty is not specifically provided shall be punished as provided in § 10.99.

