

TITLE XIII: GENERAL OFFENSES

Chapter

130. OFFENSES AGAINST PUBLIC MORALS

131. OFFENSES AGAINST PERSONS

CHAPTER 130: OFFENSES AGAINST PUBLIC MORALS

Section

130.01 Curfew for minors

130.02 Firearms

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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.

130.01 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

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 10:30 p.m. and 5:00 a.m. the following day, official city time.

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(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 12:00 a.m. midnight 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;

(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 a minor 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; and

(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 applies.

(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) *Officer=s responsibility before arrest.* A law enforcement officer must look into whether a minor has an affirmative defense before making an arrest. Penalty, see ' 130.99

' **130.02 FIREARMS.**

(A) It shall be unlawful for any child under the age of 18 years to carry or discharge any rifle or firearm, airgun, air rifle or sling shot in the city.

(B) It shall be unlawful for a parent or guardian of any child under the age of 18 years knowingly to permit the child to carry any rifle or firearm, air gun, air rifle or sling shot in the city.

(Ord. 46, passed 7-1-1941) Penalty, see ' 130.99

' **130.99 PENALTY.**

(A) *General.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) *Curfew penalties.*

(1) *Minors.* Any minor found to be in violation of ' 130.01 may be adjudicated delinquent and shall be subject to the dispositional alternatives set forth in M.S. Chapter 260B, as it may be amended from time to time.

(2) *Adults.* Any adult person found to be in violation of ' 130.01 shall be guilty of a misdemeanor.

(C) *Firearms.* Any person violating the provisions of ' 130.02 shall be guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not more than \$100 or, in default of the fine, to imprisonment for not more than 90 days.

(Ord. 46, passed 7-1-1941)

CHAPTER 131: OFFENSES AGAINST PERSONS

Section

General Provisions

131.01 Noisy parties

131.99 Penalty

GENERAL PROVISIONS

' 131.01 NOISY PARTIES.

(A) It is unlawful for any person or persons to congregate on any private lands because of, or participate in, any party or gathering of people from which noise emanates of a sufficient volume or of a nature as to disturb the peace, quiet or repose of another person or persons. Any owner or person in lawful possession or control of the private lands who has knowledge of the disturbance and fails to immediately abate the disturbance shall be guilty of a violation of this section.

(B) It is unlawful for any person or persons to congregate on any private lands of another because of, or participate in, any party or gathering of people in the absence of the owner of the private lands being present, without first having obtained written permission from the landowner. The written permission shall at all times be in the possession of one or more persons at the site of the congregation. The document containing the written permission must bear the signature of the landowner and date of the permitted use. Failure to display written permission upon request shall be considered prima facie evidence of an absence of permission from the owner.

(C) A violation of divisions (A) and (B) above shall give a police officer the authority to order all persons present, other than persons identifying themselves as the owner or person in lawful possession of control of the land, to immediately disperse. Any person who shall refuse to leave after being ordered to do so by a police officer shall be guilty of a violation of this section.

(D) It is unlawful for the owner or other person in charge of rental living units to knowingly or repeatedly permit thereon conduct prohibited by divisions (A) through (C) above.
(Ord. 133, passed 6-12-1990) Penalty, see ' 131.99

' 131.99 PENALTY.

(A) *General.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to ' 10.99.

(B) *Noisy parties.* Any person violating any provision of ' 131.01 shall be guilty of a petty misdemeanor. A person charged with violating ' 131.01 is not subject to incarceration, is not entitled to a trial by jury but rather shall be tried by a judge without a jury. A person convicted of violating ' 131.01 shall be punished by a fine of not more than \$200.
(Ord. 133, passed 6-12-1990)